DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE
OFFICE OF EDUCATION
WASHINGTON, D.C. 20202

PROGRAM BULLETIN -- Educational Broadcasting Facilities Program

PB #1 October 15, 1968

Principal Provisions of Title I, Public Broadcasting Act of 1967

Title I of the Public Broadcasting Act (P.L. 90-129) amends the Educational Television Facilities Act of 1962 (P.L. 87-447). For administrative purposes, Title I is hereby designated: "The Educational Broadcasting Facilities Program."

Title I of P.L. 90-129 amends P.L. 87-447 principally in the following ways:

1) Extends for three years authority for Federal grants to assist in construction and expansion of ETV stations;

2) Makes eligible, for the first time, noncommercial educational radio broadcast station projects;

3) Eliminates credit for existing equipment but sets the maximum allowable percentage of Federal matching for all projects at 75% of project costs instead of 50%;

4) Eliminates restrictions on Federal share to be spent on station interconnection projects;

5) Establishes a State maximum of 8 1/2% of the appropriation for any fiscal year as the maximum amount which may be awarded in a State in that fiscal year.

Delegation of Authority

Authority for administration of Title I, P.L. 90-129, has been delegated by the Secretary, DHEW, to the U.S. Commissioner of Education (except that the Secretary retains authority to approve Regulations). Administrative authority has been re-delegated to the Associate Commissioner, Bureau of Adult, Vocational, and Library Programs (BAVLP).

All inquiries and correspondence concerning the Educational Broadcasting Facilities Program should be addressed to:

The Director
Educational Broadcasting Facilities Program, BAVLP
U.S. Office of Education
ROB # 3, 7th and D Streets, S.W.
Washington, D. C. 20202

Authorizations and Appropriations

Funds authorized by P.L. 90-129 are as follows:

FY 1968	--	$10,500,000
FY 1969	--	12,500,000
FY 1970	--	15,000,000

No funds were appropriated for Fiscal Year 1968. The Fiscal 1969 appropriation is $4,375,000, of which $4,000,000 is available for broadcasting facilities grants.

State Maximum Limitation

Section 392(b) of P.L. 90-129 provides that the total grants made from the appropriation for any fiscal year in any State may not exceed 8 1/2 percentum of such appropriation.

Thus, the maximum amount which may be awarded in any one State under the Fiscal Year 1969 appropriation is $340,000 (8 1/2 percent of $4 million). This is not an allotment nor an "entitlement" but rather a limitation. The amount of the limitation for a given fiscal year will vary depending upon the amount appropriated by Congress for this program.

Issuance of Regulations and Application Forms

It is anticipated that approval, printing and publication of Regulations and Application Forms for the Educational Broadcasting Facilities Program will require 60 to 90 days from the date of this bulletin.

When available, copies of Regulations, Application Forms, the Instructional Manual and other relevant materials may be secured by written request to The Director, Educational Broadcasting Facilities Program, at the above-indicated address.

Addressees of this Program Bulletin will receive these materials without further request.

Pending ETV Applications

There remain pending more than 70 ETV station applications, timely filed under P.L. 87-447, requesting more than $33,000,000 in Federal funds. The grant amounts requested among pending applications range from $35,326 to $1,264,900. The average is approximately $600,000. Furthermore, many States are represented by two or more applications exceeding funds available under the 1969 State maximum limitation.

It is evident, therefore, that many pending applications cannot be considered for funding in FY 1969 under the dual limitations.

All applicants with ETV applications pending will be given an opportunity to reconsider requests for Federal funds in the light of the fiscal limitations for FY 1969. Such applicants may take one of the following courses of action:

1) State that they wish their applications to remain as submitted, to be considered for funding in Fiscal Year 1969. (This option is available only to applicants whose requests for Federal funds do not exceed the State maximum limitation.)

2) Amend projects proposed in their applications so that revised total costs and Federal shares requested will become feasible within the financial limitations of the appropriation and State maximum.

3) Request deferral of consideration of their applications until the subsequent fiscal year, without loss of status as an application on file. In such case, any amendments to such applications which may be necessary may be deferred until the subsequent year.

In many cases such reconsideration of pending applications will require consultation with official State educational radio or television agencies to determine the status of given applications within the framework of State planning and priorities.

The date by which responses will be due from applicants with pending applications will be announced concurrently with the publication of regulations in the Federal Register.

Radio Applications

Applications for Federal matching funds to assist educational radio station projects cannot be received until regulations have been published in the Federal Register. In the meantime, potential applicants who have not already done so should ensure their inclusion on a mailing list by written request as indicated above. Necessary application forms and instructional materials will be mailed as soon as they are available.

A portion of the appropriated funds will be temporarily reserved to provide for funding of eligible radio station projects. Any "deadlines" or due dates which may be established for filing of radio station applications will be announced in the Federal Register at the time the regulations are published and will allow ample time for the preparation of applications.

Grant Awards

Because of the circumstances described in the foregoing paragraphs, determinations cannot be made immediately as to which projects will have highest priority for support with the limited funds available for FY 1969. No grant awards will be made until:

1) Regulations and required forms have been published and distributed.

2) Applicants with ETV applications pending have advised USOE of the results of their review of such applications under the limitations of the State maximum of $340,000 which will be in effect for FY 1969.

State Educational Television and/or Radio Agencies

(1) By definition, a "State educational television agency" and a "State educational radio agency" mean, with respect to television broadcasting and radio broadcasting respectively:

(a) a board or commission established by State law for the purpose of promoting such broadcasting within a State,

(b) a board or commission appointed by the Governor of a State for such purpose if such appointment is not inconsistent with State law, or

(c) a State officer or agency responsible for the supervision of public elementary or secondary education or public higher education within the State which has been designated by the Governor to assume responsibility for the promotion of such broadcasting.

(2) There are several ways in which the Act provides for the participation of a State educational television or radio agency in the Educational Broadcasting Facilities Program:

(a) Such State agencies are assumed to have responsibility to "assure proper coordination of construction of noncommercial educational broadcasting facilities within each State..." To that end, each applicant is required to file a copy of each application with such State agency, and the State agency will be notified of the disposition of each such application. (Section 392(c) (1) and (2).)

(b) State educational television or radio agency may itself be an applicant for a facilities grant under P.L. 90-129.

(3) By letter dated October 15, 1968, the Commissioner of Education has requested each Governor to inform his office of the agency officially designated to act as the State educational television or radio agency. In order to assure efficiency in planning and coordination of educational broadcasting projects at the State level, the designation of a single agency with responsibility for both radio and television has been encouraged.

(4) The counsel and comments of many State educational television agencies have proved invaluable in past administrative experience during the life of the original ETV Facilities Act (P.L. 87-447). As telecommunications needs and demands for spectrum space increase throughout the country for a multitude of communications purposes, the role of a State educational broadcasting agency assumes increasingly greater importance. In the administration of the Educational Broadcasting Facilities Program (Title I, P.L. 90-129), State planning conducted by such agencies, and the counsel of such agencies with respect to the merits and priorities among applications from a given State will continue to be given serious consideration in the determination of grant awards. In addition to fulfilling the requirement that applications must be filed with the appropriate State agency, applicants are encouraged to coordinate television and radio planning and Federal grant requests with such agencies.

THE PUBLIC BROADCASTING ACT

Part IV of Title III of the Communications Act of 1934,
as amended

See Educational Television Facilities Act of 1962
(P.L. 87-447) and Titles I and II of the Public
Broadcasting Act of 1967 (P.L. 90-129)

PART IV - GRANTS FOR NONCOMMERCIAL EDUCATIONAL BROADCASTING FACILITIES; CORPORATION FOR PUBLIC BROADCASTING

SUBPART A - GRANTS FOR FACILITIES

DECLARATION OF PURPOSE

SEC. 390. The purpose of this subpart is to assist (through matching grants) in the construction of noncommercial educational television or radio broadcasting facilities.

AUTHORIZATION OF APPROPRIATIONS

SEC. 391. There are authorized to be appropriated for the fiscal year ending June 30, 1963, and each of the four succeeding fiscal years such sums, not exceeding $32,000,000 in the aggregate, as may be necessary to carry out the purposes of section 390. There are also authorized to be appropriated for carrying out the purposes of such section, $10,500,000 for the fiscal year ending June 30, 1968, $12,500,000 for the fiscal year ending June 30, 1969, and $15,000,000 for the fiscal year ending June 30, 1970. Sums appropriated pursuant to this section shall remain available for payment of grants for projects for which applications, approved under section 392, have been submitted under such section prior to July 1, 1971.

GRANTS FOR CONSTRUCTION

SEC. 392. (a) For each project for the construction of noncommercial educational television or radio broadcasting facilities there shall be submitted to the Secretary an application for a grant containing such information with respect to such project as the Secretary may by regulation require, including the total cost of such project and the amount of the Federal grant requested for such project, and providing assurance satisfactory to the Secretary -

(1) that the applicant is (A) an agency or officer responsible for the supervision of public elementary or secondary education or public higher education within that State, or within a political subdivision thereof,

(B) in the case of a project for television facilities, the State noncommercial educational television agency or, in the case of a project for radio facilities, the State educational radio agency, (C) a college or university deriving its support in whole or in part from tax revenues, (D) (i) in the case of a project for television facilities, a nonprofit foundation, corporation, or association which is organized primarily to engage in or encourage noncommercial educational television broadcasting and is eligible to receive a license from the Federal Communications Commission for a noncommercial educational television broadcasting station pursuant to the rules and regulations of the Commission in effect on April 12, 1962, or (ii) in the case of a project for radio facilities, a nonprofit foundation, corporation, or association which is organized primarily to engage in or encourage noncommercial educational radio broadcasting and is eligible to receive a license from the Federal Communications Commission; or meets the requirements of clause (i) and is also organized to engage in or encourage such radio broadcasting and is eligible for such a license for such a radio station, or (E) a municipality which owns and operates a broadcasting facility transmitting only noncommercial programs;

(2) that the operation of such educational broadcasting facilities will be under the control of the applicant or a person qualified under paragraph (1) to be such an applicant;

(3) that necessary funds to construct, operate, and maintain such educational broadcasting facilities will be available when needed;

(4) that such broadcasting facilities will be used only for educational purposes; and

(5) that, in the case of an application with respect to radio broadcasting facilities, there has been comprehensive planning for educational broadcasting facilities and services in the area the applicant proposes to serve and the applicant has participated in such planning, and the applicant will make the most efficient use of the frequency assignment.

(b) The total of the grants made under this part from the appropriation for any fiscal year for the construction of noncommercial educational television broadcasting facilities and noncommercial educational radio broadcasting facilities in any State may not exceed 8⅓ per centum of such appropriation.

(c) (1) In order to assure proper coordination of construction of noncommercial educational television broadcasting facilities within each State which has established a State educational television agency, each applicant for a grant under this section for a project for construction of such facilities in such State, other than such agency, shall notify such agency of each application for such a grant which is submitted by it to the Secretary, and the Secretary shall advise such agency with respect to the disposition of each such application.

(2) In order to assure proper coordination of construction of noncommercial educational radio broadcasting facilities within each State which has established a State educational radio agency, each applicant for a grant under this section for a project for construction of such facilities in such State, other than such agency, shall notify

such agency of each application for such a grant which is submitted by it to the Secretary, and the Secretary shall advise such agency with respect to the disposition of each such application.

(d) The Secretary shall base his determinations of whether to approve applications for grants under this section and the amount of such grants on criteria set forth in regulations and designed to achieve -

(1) prompt and effective use of all educational television channels remaining available,

(2) equitable geographical distribution of noncommercial educational television broadcasting facilities or noncommercial educational radio broadcasting facilities, as the case may be, throughout the States, and

(3) provision of noncommercial educational television broadcasting facilities or noncommercial educational radio broadcasting facilities, as the case may be, which will serve the greatest number of persons and serve them in as many areas as possible, and which are adaptable to the broadest educational uses.

(e) Upon approving any application under this section with respect to any project, the Secretary shall make a grant to the applicant in the amount determined by him, but not exceeding 75 per centum of the amount determined by the Secretary to be the reasonable and necessary cost of such project. The Secretary shall pay such amount from the sum available therefor, in advance or by way of reimbursement, and in such installments consistent with construction progress, as he may determine.

(f) If, within ten years after completion of any project for construction of educational television or radio broadcasting facilities with respect to which a grant has been made under this section -

(1) the applicant or other owner of such facilities ceases to be an agency, officer, institution, foundation, corporation, or association described in subsection (a)(1), or

(2) such facilities cease to be used for noncommercial educational television purposes or noncommercial educational radio purposes, as the case may be (unless the Secretary determines, in accordance with regulations, that there is good cause for releasing the applicant or other owner from the obligation so to do),

the United States shall be entitled to recover from the applicant or other owner of such facilities the amount bearing the same ratio to the then value (as determined by agreement of the parties or by action brought in the United States district court for the district in which such facilities are situated) of such facilities, as the amount of the Federal participation bore to the cost of construction of such facilities.

RECORDS

SEC. 393. (a) Each recipient of assistance under this subpart shall keep such records as may be reasonably necessary to enable the Secretary to carry out his functions under this subpart, including records which fully disclose the amount and the disposition by such recipient of the proceeds of such assistance, the total cost of the project or undertaking in connection with which such assistance is given or used, and the amount and nature of that portion of the cost of the project or undertaking supplied by other sources, and such other records as will facilitate an effective audit.

(b) The Secretary and the Comptroller General of the United States, or any of their duly authorized representatives, shall have access for the purpose of audit and examination to any books, documents, papers, and records of the recipient that are pertinent to assistance received under this subpart.

RULES AND REGULATIONS

SEC. 394. The Secretary is authorized to make such rules and regulations as may be necessary to carry out this subpart, including regulations relating to the order of priority in approving applications for projects under section 392 or to determining the amounts of grants for such projects.

PROVISION OF ASSISTANCE BY FEDERAL COMMUNICATIONS COMMISSION

SEC. 395. The Federal Communications Commission is authorized to provide such assistance in carrying out the provisions of this subpart as may be requested by the Secretary. The Secretary shall provide for consultation and close cooperation with the Federal Communications Commission in the administration of his functions under this subpart which are of interest to or affect the functions of the Commission.

(SECTION 396, WHICH ESTABLISHES AND AUTHORIZES FUNDING FOR THE CORPORATION FOR PUBLIC BROADCASTING, IS OMITTED FOR THE PURPOSES OF THIS WORKSHEET)

SUBPART C - GENERAL

DEFINITIONS

SEC. 397. For the purposes of this part -

(1) The term "State" includes the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, American Samoa, and the Trust Territory of the Pacific Islands.

(2) The term "construction", as applied to educational television broadcasting facilities or educational radio broadcasting facilities, means the acquisition and installation of transmission apparatus (including towers, microwave equipment, boosters, translators, repeaters, mobile equipment, and video-recording equipment) necessary for television broadcasting, or radio broadcasting, as the case may be, including apparatus which may incidentally be used for transmitting closed circuit television programs, but does not include the construction or repair of structures to house such apparatus. In the case of apparatus the acquisition and installation of which is so included, such term also includes planning therefor.

(3) The term "Secretary" means the Secretary of Health, Education, and Welfare.

(4) The terms "State educational television agency" and "State educational radio agency" mean, with respect to television broadcasting and radio broadcasting respectively, (A) a board or commission established by State law for the purpose of promoting such broadcasting within a State, (B) a board or commission appointed by the Governor of a State for such purpose if such appointment is not inconsistent with State law, or (C) a State officer or agency responsible for the supervision of public elementary or secondary education or public higher education within the State which has been designated by the Governor to assume responsibility for the promotion of such broadcasting, and, in the case of the District of Columbia, the term "Governor" means the Board of Commissioners of the District of Columbia and, in the case of the Trust Territory of the Pacific Islands, means the High Commissioner thereof.

(5) The term "nonprofit" as applied to any foundation, corporation, or association, means a foundation, corporation, or association, no part of the net earnings of which inures, or may lawfully inure, to the benefit of any private shareholder or individual.

(6) The term "Corporation" means the Corporation authorized to be established by subpart B of this part.

(7) The term "noncommercial educational broadcast station" means a television or radio broadcast station, which (A) under the rules and regulations of the Federal Communications Commission in effect on the date of enactment of the Public Broadcasting Act of 1967, is eligible to be licensed or is licensed by the Commission as a noncommercial educational radio or television broadcast station and which is owned and operated by a public agency or nonprofit private foundation, corporation, or association or (B) is owned and operated by a municipality and which transmits only noncommercial programs for educational purposes.

(8) The term "interconnection" means the use of microwave equipment, boosters, translators, repeaters, communication space satellites, or other apparatus or equipment for the transmission and distribution of television or radio programs to noncommercial educational television or radio broadcast stations.

(9) The term "educational television or radio programs" means programs which are primarily designed for educational or cultural purposes.

FEDERAL INTERFERENCE OR CONTROL PROHIBITED

SEC. 398. Nothing contained in this part shall be deemed (1) to amend any other provision of, or requirement under this Act; or (2) to authorize any department, agency, officer, or employee of the United States to exercise any direction, supervision, or control over educational television or radio broadcasting, or over the Corporation or any of its grantees or contractors, or over the charter or bylaws of the Corporation, or over the curriculum, program of instruction, or personnel of any educational institution, school system, or educational broadcasting station or system.

EDITORIALIZING AND SUPPORT OF POLITICAL CANDIDATES PROHIBITED

SEC. 399. No noncommercial educational broadcasting station may engage in editorializing or may support or oppose any candidate for political office.

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE
OFFICE OF EDUCATION
WASHINGTON, D.C. 20202

December 24, 1968

TO : Consultants to the Educational Broadcasting Facilities Program

FROM : Ray J. Stanley, Director, Educational Broadcasting Facilities Program

SUBJECT: Attached summary of consultant's meeting, December 12-13, 1968

I hope you will have the opportunity to review the attached summary of the positions outlined during our recent meeting on implementational policies for Title I of the Public Broadcasting Act (P.L. 90-129).

We have not attempted to report the meeting in terms of "minutes" - nor in any sense to make a verbatim report of the discussions. We have deliberately not attributed statements or quotations to any consultants. Rather, this is intended to be a summary of propositions, ideas or policy positions on which there seemed, to the staff, to be concensus and therefore might be considered to be "recommendations" of the consultants. They are sent to you, so that you may:

a) Concur, if you wish - or demur on certain points.

b) Add comments you feel may be significant.

c) Call our attention to any omissions you feel should be corrected.

I'm sure you will note that several topics which engendered some lively (and profitable) discussion are not reported in the summary, among them some excellent suggestions for substantive changes which might be made in future amendments to Title I, such as expansion of eligible projects to include uses of the spectrum beyond broadcast frequencies, and the need to provide a source of funding for planning for educational telecommunications needs. These are not included among "recommendations" because they were not related to immediate implementation needs, or because they require further insight and discussion to arrive at conclusions. The staff is grateful for such suggestions, however, and feel they laid the groundwork for future consideration. They join me in saying "thank you" for your participation, and look forward to our next opportunity to confer with you.

SUMMARY OF CONSULTANTS MEETING, DECEMBER 12 AND 13, 1968
EDUCATIONAL BROADCASTING FACILITIES PROGRAM

RECOMMENDATIONS

With respect to implementation of Title I, P.L. 90-129 during FY 1969, the following positions on policy appeared to have general concurrence:

I. Fiscal policy for 1969

A. It appeared to be the sense of the panel that fiscal "goals" for the $4,000,000 available in 1969 would be desirable, expressed in terms of a distribution of funds among various types of supportable projects.

B. After discussion of several formulae, the majority appeared to favor a target proportionment as follows:

1. Up to 10% ($400,000) - to be initially "reserved" (but not guaranteed) for support of radio projects, pending evaluation of radio applications to be received.

2. Of the remainder ($3,600,000):

a. 65% ($2,340,000) - to be initially reserved for activation of new stations.

b. 35% ($1,260,000) - to be initially reserved for expansion or improvement of existing stations.

II. Educational Television projects

A. Consistent with purposes of the Act, and assuming feasibility within the state limitation of $340,000 per state in 1969, activation of new ETV stations should continue to have the highest priority for approval.

1. To the extent consistent with actual applications submitted, emphasis in approvals should be placed on states having no ETV stations or having less than 25% of population covered by ETV signal.

2. The activation of second channels in areas already served by an ETV station should have relatively low priority.

B. Second priority should go to "expansion/improvement" proposals, especially where such grants would demonstrably contribute to improvement of "quality" of station performance (see C-1 below). In rough order, such expansions would include the following sub-priorities:

1. Proposals to increase audience served, through antenna relocation, increase in power, etc.

2. Capability for color transmission and reproduction (i.e., adding color-capability to transmitters, providing color film, VTR capability to sizeable audiences).

3. Live color origination production capability (color cameras and studio gear) should be limited to project(s) likely to provide programming benefits to regional or national audiences through NET or CPB distribution.

(NOTE: Some panel discussion focussed on responsibility of Corporation for Public Broadcasting to participate in support of hardware requirements for CPB production. No resolution or "recommendation" was reached on such divided responsibility, but the need for coordination and liaison with CPB appears to be clear.)

C. Criteria for evaluation of ETV applications which request consideration for funding in 1969 (as contrasted with those which request "deferral").

1. Overall station "performance" (demonstrated or proposed) should be a highly weighted priority factor, where "performance" includes the meanings:

a. Maintenance of a quality signal, including the concept of comparability with commercial station signals;

b. Significant contribution to diverse community program requirements, responsive to contemporary social, instructional and informational needs;

c. Utilization of diverse community programming resources;

d. Probability of program production which will be of benefit to substantial audiences through distribution techniques.

2. Readiness of the applicant to proceed and support the enterprise in 1969 and beyond. These indicia should include:

a. Present availability of required matching funds (including the possibility of matching at less than the 75% rate in some cases); non-availability of such funds should be reason for deferral;

b. Financial capability to operate station to provide program services;

c. Staffing patterns adequate to the proposed operation.

3. Recommendations of state educational radio/television agencies should be a strongly weighted factor in determining approvability of competing applications from within a state. Every possible effort should be made to develop strong state agencies which have responsibility for both radio and ETV planning and development.

(NOTE: As was pointed our during discussions, "criteria" enumerated above are consistent with past operational policy, and are embraced in Section 60.17 of the Regulations as proposed. We interpret the emphasis given these points as panel suggestion to give added weight to these particular factors in 1969.)

III. Educational Radio Projects

A. High priority should be given to radio facilities projects which have good promise of being "exemplary" in demonstrating effectiveness and impact of educational radio as an instrument of education and "public" broadcasting. Under this general objective:

1. Activation of new educational radio stations, proposing a broadscale, comprehensive program service to substantial audiences presently without such services should have priority emphasis, particularly in geographic areas of no service or limited service - but not to the exclusion of "expansion" projects. Second (or "third") stations should have relatively low priority.

2. Among "expansion" projects, priority consideration should be given to equipment proposals which hold promise of demonstrating exemplary and innovative uses of radio programming services. Examples would include:

a. Proposals to serve important minority or professional audiences through sub-carrier services (multiplexing);

b. Proposals to integrate radio broadcast services with existing ETV services;

c. Proposals to expand small (10-watt) stations to maximum power and maximum community service programming.

B. Fiscal policy for Radio in 1969

1. A "reservation" of not more than 10% of appropriated funds ($400,000) should be made, in order to encourage submission of applications and assure some grant actions for radio in 1969.

   a. This amount would not be "guaranteed" for radio projects. If, on review of all applications to be considered for 1969 funding, the total of funds requested in "approvable" exemplary radio projects were less than $400,000, the difference would become available for additional ETV grant action.

2. The state limitation of $340,000 applicable to FY 1969 will cover both radio and ETV projects (i.e. no attempt would be made to set a state maximum limitation especially applicable to radio).

IV. PROCEDURAL RECOMMENDATIONS

A. "Cut-off" (or "deadline") dates should be established for submission of applications, to permit consideration of batches of applications by a review panel of consultants.

   1. Cut-off date for pending ETV application revisions (or requests for deferral) should be 30 days from publication of materials necessary to applicant.

   2. Cut-off date for new applicants (both radio and ETV) should be 60 days from publication of such materials.

      (NOTE: In our discussions we used the "date of publication of Regulations" as the beginning of a 30-day or 60-day period. In fact, to be fair, such periods would have to begin from the dates on which Application Forms and Instructional Manuals became available to applicants. We expect that availability of such materials will actually occur shortly after the Regulations are published in the Federal Register.

   3. Cut-off dates would apply to processing of applications under consideration for current fiscal year funding, and would not foreclose filing or acceptance of applications submitted subsequent to a cut-off date. Such applications, however, would be "deferred" for grant consideration until the following cut-off date.

B. Grant awards, to a few projects with unusually clear high priority, might be made subsequent to cut-off dates but prior to review of "approvable" applications by consultants.

1. To fully test the effectiveness of consultant's review of applications in efficient use of limited funds, it is essential that such review should occur prior to grant actions. (Program Bulletin #1 carries this implication.)

2. However, where it may be necessary with respect to a project which is clearly of high priority under foregoing recommendations, limited grant action may be taken soon after the initial cut-off date.

V. LEGISLATIVE NEEDS IN FY 1970

Fiscal 1970 is the last authorized year of the extended "Educational Television Facilities Program." Therefore, to plan for continuing support of educational broadcasting facilities in Fiscal 1971 and beyond will require additional authorization by Congress.

The principal advice which seemed to emerge from panel discussion of this topic was:

A. Seek extension of present authorization to cover a five year period.

1. Although future technological developments may demonstrate distribution systems other than "broadcasting" to be essential to provide a full range of telecommunications services to the nation, it appears unlikely that such expansion would either replace existing broadcast stations, or diminish the need for their expansion or for activation of many more broadcast stations. Thus, the support provided for broadcast facilities by Title I of P.L. 90-129 should be extended.

2. To seek extension for a five-year period (allowing for Congressional reduction to a three-year period) would be a better course than to seek a one-year or two-year extension.

B. Substantive amendments should not be sought at this time, lest debate over the merits or congressional committee jurisdictions implicit in such amendments obscure the primary objective of securing extension of existing authorizations.

Ray Stanley's remarks
ETV MANAGERS MEETING
NAEB CONVENTION
November 21, 1968

1. I bring you greetings and regrets from Grant Venn, Associate Commissioner of the Bureau of Adult, Vocational and Library Programs. As many of you already know, the Secretary has delegated authority for administration of Title I of the Public Broadcasting Act to the Commissioner of Education, who has redelegated it to the Associate Commissioner of the Bureau in which we are administratively located. This delegation, of course, carries with it responsibility for policy and procedural determinations which we have not had directly under the original ETV Facilities Act - and Mr. Venn had hoped to be with us this afternoon to assure you that the Bureau welcomes the responsibility. We believe the delegation will operate to streamline implementation of the Educational Broadcasting Facilities Program.

That was the original plan. However, a kind of command performance requires Mr. Venn's presence on the West coast today - and so he asks me to convey his regrets. With luck, he will return tomorrow, in time to join us for our session with the Radio managers.

2. In conducting this session, I am making a large assumption: that is, that most of you at this session have had considerable experience with the original ETV Facilities Act, and that you are aware of the provisions of Title I of the Public Broadcasting Act which extend the basic provisions of the original Act.

We have little enough time at this session in which to cover a lot of ground, and I should like to avoid a lengthy discussion of legislative provisions with which you are already familiar as they pertain to educational

television facilities. In most respects, the provisions of Title I are very similar to the Act under which we have been operating for the past five years.

At the same time, Title I is more than merely an extension of the ETV Facilities Act. In some respects it is a new ball game, to be played in a new ball park. Along with the similarities to the ETV Facilities Act, there are several important differences which will not permit resumption of processing our backlog of applications "where we left off," when the $32 million ran out.

3. Package of materials

Unfortunately, we cannot yet discuss these differences with direct reference to new Regulations, application forms or guidelines. Since the appropriation for 1969 was made only about a month ago, there has not been enough time to secure the clearances and publication of these documents to make them available at this convention. THERE WILL NOT BE MANY SIGNIFICANT CHANGES...EITHER IN REGULATIONS OR THE APPLICATION FORM. There will, however, be necessary changes in procedure and processing of applications - and I'll get back to those in a few moments.

Each of you, presumably, has received a package of materials as you entered the hall (if not, hold up your hand and one of our staff will deliver you a package). We hope that these will facilitate our discussion, and make it unnecessary for me to cover a lot of detail which you can read for yourselves. Your package includes:

a) A "working paper" which is a comparison of the main features of the Public Broadcasting Act (Title I) with the ETV Facilities Act.

b) An excerpt from the House Report on the Public Broadcasting Act on the subject of 75% grants. We include this for your information to illustrate a problem in policy about the handling of "matching funds" under the program. It is an important item of legislative history and therefore will be a policy factor. I'm not sure everybody understands what is meant by the Committee's intent that "the 75% grant should be the exception rather than the rule." Policy on this point has not yet been finally approved - but if you want to discuss it later, we'll be glad to speculate along with you.

c) A third enclosure in your package is a "reconciled" version of Title I of the Public Broadcasting Act. As printed in the Act itself, Title I contains only additions and deletions relevant to amending the ETV Facilities Act. This enclosure is a version which; incorporates the amendments, so that it can be read in complete context. (IT IS, of course, only Title I - the other Titles which relate to the Public Broadcasting Corporation and a study of instructional technology are not our concern today.)

d) A fourth enclosure is a copy of our first Program Bulletin, covering nine categories of information about the Facilities Program. Many of you, I'm sure, have already received this Bulletin through the mail. We have included copies in your package of materials, largely because the Bulletin summarizes most of what can be said about program administration up to the present time.

e) Finally - the fifth enclosure is a SAMPLE an UNOFFICIAL copy of the proposed application form. Let me put double stress on those words - sample and unofficial. This form has not yet been approved. It is not official. It may not be used, as yet, as the basis for an application. We are including it in this package for two principal reasons:

(1) It probably will not be changed in any substantive way prior to approval; and

(2) It reflects a good deal about how the provisions of the Act and Regulations will be incorporated in the application form. It indicates many areas in which a new applicant may understand the requirements of an application under this program - and therefore it should provide guidance which should help a new applicant to start gathering information in anticipation of the date when we may start receiving new applications.

(It probably will be more relevant, in that respect, to the radio station personnel, with whom we will be meeting tomorrow. If you have had any previous experience with an application under the program, you will see that there is relatively little substantive change from the application information you were previously required to provide.)

4. The New Ball Game

I don't propose to read to you the materials which are in this package. But let me call your attention to several features - of the legislation and of the fiscal facts of life - which make this a "new ball game" and help to

explain why we cannot simply resume processing ETV applications where we left off, but will need to take a new approach to the receipt and evaluation of applications, and to the awarding of grants.

(a) The first of these, of course, is the fact that educational radio station projects are eligible for the first time. This requires the rewriting of regulations, rather than merely amending them. It also requires establishment of policies, and determinations of eligible projects which are not precisely identical with those for educational TV.

The eligibility of radio projects also introduces into policy and procedural considerations questions relating to state agencies, priorities, and total dollars available nationally and under the state limitation.

(b) There's no use crying over spilt milk - and I dislike rubbing salt in open wounds; but it is necessary to face up to the fiscal facts of life for 1969 and 1970.

You are aware, of course of the stymie which has existed through the absence of an appropriation for fiscal 1968. I'm sure you are also aware that the appropriation for fiscal 1969 is $4,000,000 - and that the backlog of applications already on hand amounts to $33,000,000 requested in Federal funds (among 73 applications) before radio applicants can even be heard from. That hurts - especially in a program which in previous years has enjoyed full appropriation of the authorized funds.

The authorized amount for fiscal 1970 is $15,000,000 - it doesn't take an expert at The New Math to conclude that the maximum possible two-year availability for Broadcasting Facilities would be $19,000,000 - insufficient

to accommodate already existing requests for funds. You probably are also aware that fiscal 1970 is the last year authorized under the extension in Title I of the Public Broadcasting Act, and that it will therefore be necessary to seek from the new Congress an additional extension of authority.

Let's consider just one other fiscal fact of life which we must face up to in 1969: the state limitation. Title I, as amended, makes the state limit 8½% of the appropriation per year...that is, no state in any fiscal year may receive more than 8½% of the amount appropriated for that year. For 1969, the state limit will be $340,000. That amount is not a guarantee nor an "allotment" - just a limitation; and radio as well as TV must be accommodated within those figures. Now: among the applications already on hand, the average Federal grant requested is $600,000. And there are at least 6 states in which competing applications currently on file exceed the possible state limitations for several years to come.

This subject is painful enough, so that I decline to go on describing the horns of the dilemma which confronts us. I should imagine that is enough to explain why it is not possible for our unit merely to go back to the good old days and resume processing ETV applications where we left off.

We have $4,000,000 to work with for fiscal 1969. And we realize that we may be unpopular in some eyes after that four million becomes obligated. I suppose there is no "right" way to obligate that $4,000,000 - that is, no way which will please everybody. Conversely, I suspect, there is no "wrong" way either. Not when the obvious needs already on record so far outstrip the resources; that is, the dollars will not be wasted on "frills" or "unnecessary" projects, no matter how they are spent.

What we have to try for, in our opinion, is neither a "right" way nor a "wrong" way, but a good way (perhaps the "best" way) to obligate the presently available dollars in this year - a way which will do the most good, for purposes which are necessary to serve the most people and meet the most demanding current needs in fiscal 1969, remembering that 1970 is just around the corner.

5. Perspectives for 1969

To get perspective on what may be best for 1969 - as well as perspective on 1970 and beyond - we need the best kind of help and understanding that we can get. To put it perhaps too briefly and summarily, we need three kinds of help to make this program administration effective within the fiscal limitations which confront us.

(a) We need the best and most expert advice that we can get from the field. We need, from qualified counsellors, who are familiar with ETV management, and operation, the best analysis they can give us on the condition of ETV and Radio around the country - a sharpened definition of priorities for now - and counsel on the kind of emphasis that will do the cause of ETV most good in 1969...with an eye, of course, on 1970 as well.

(b) The second kind of help we need is from our applicants themselves. All applications on hand are at least six months old, and many of them more than a year. More than half of them are involved deeply in the question of the state maximum - either because they are in competition with other applicants from the same state or because the amount requested in a individual application exceeds the state limit. When all of our

backlogged applications were filed, no one suspected a state limit would be as low as $340,000.

(c) Finally, we need the advice and counsel of state radio and television agencies on questions of priorities among competing applicants - or in lieu thereof, some kind of agreement among applicants themselves from within states.

6. Implementing new procedures.

We have already taken some steps - while waiting for clearance of regulations, forms and other materials - to incorporate those three kinds of help.

(a) Going back to the first of these which I mentioned: We have decided to engage a group of expert consultants from the fields of education and public broadcasting to give us counsel on present and future problems in this field.

This is a need we have felt for some time, for a variety of reasons. The need for such a group has been supported without reservation by two ad hoc advisory groups convened in 1967 and 1968 - and judging from some of the remarks Chuck Marquis has made on the subject in public and in print, I gather NAEB is in favor of the idea.

The dollar imbalance which I referred to earlier between needs and available appropriations - the accommodation of educational radio stations within our overall goals - legislative requirements - the continuing advances in educational technology and their impact upon public broadcasting - all persuade that we should have the best counsel we can get from the field.

It is our plan to appoint fifteen such expert consultants, and to include among them persons who represent as wide a geographical and professional base as possible, with heavy emphasis on their knowledge and expertness in public broadcasting. We may call upon them individually for special studies or analyses; or we may convene them as a panel. In a general way, we will look to them for counsel predominantly in three areas:

- to assist us in determining timely priorities, within the criteria established in the Act;

  (FOR REFERENCE ONLY: The Act is designed to achieve activation of as many stations as possible in as many geographic areas as possible and serving as many people as possible. A basic question we might put to these consultants, for example, might be: within the fiscal limitations of 1969, should all funds be put to work activating new channels: Or should a balance be struck between new station and expansion projects? And on what basis?)

- to assist us in the review of applications in the light of those priorities.

- and to advise us on legislative requirements - bearing in mind not only the requirements of broadcast hardware, but looking also to broader questions which a constantly expanding communications technology poses for educators in and out of the formal school structure.

We have received word, only a day or so ago, that Commissioner Howe has approved the appointment of thirteen consultants from whom we have received acceptances of the assignment. Would you like to know who they are?

Duff Browne, President, Communications Central

Edwin Cohen, Executive Director, National Instructional Television Center

Martha Gable, Editor for the American Association of School Administrators

Hyman Goldin, Professor in Communications at Boston University

William Harley, President, National Association of Educational Broadcasters

Harold McCarty, retired this year as Director of Radio and Television, University of Wisconsin

Lyle Nelson, Executive Head, Department of Communications, Stanford University

Harold Niven, Vice President for Planning and Development, National Association of Broadcasters

Frank Norwood, Executive Secretary, Joint Council on Educational Telecommunications

Kenneth Oberholtzer, retired last fall, formerly Superintendent of Denver Public Schools

Robert Shayon, Professor of Communications, Annenberg School of Communications

John White, President, National Educational Television

Harold Wigren, Associate Director of the Division of Educational Technology, National Education Association

Speaking for myself - and the staff who will be working on the administration of the Broadcasting Facilities Program - we are grateful to have so competent of group of people to work with. Because a good many of the "experts" in this field are also applicants themselves, or closely associated with applicants - it was no easy task to nominate qualified persons who would not be susceptible to conflict of interest considerations. In our group, we will have none who will have a conflict of interest problem with respect to any individual application. We will have good cross sectional representation, from every section of the country - and we will have working with us people whose backgrounds include an intimate working knowledge of station operation as well as the range of instructional, educational and public broadcasting.

I've taken a little time and gone into some detail on the appointment of consultants, because this is a topic NOT covered in the materials handed to you. The other steps we've already taken to seek the assistance we will need are covered in those materials.

(b) For example, in the Program Bulletin, on pages 2 and 3, we have indicated the status of pending applications and the necessity for each applicant to review and reconsider his application in the light of the fiscal facts for 1969. In addition, we have written each applicant directly, alerting him to the need for such review, and suggesting three possible courses of action an applicant may take with respect to an application which is pending.

In brief, we are asking each applicant:

-To state that they wish the application to remain as submitted, to be considered for funding in 1969. (Possible, of course, only if the request in Federal funds is less than the state maximum.)

-Or - To amend projects so that revised total costs and Federal shares requested will become feasible within the limits of the appropriation and the state maximum.

-Or - To request deferral of consideration of an application until the next fiscal year.

That's all I want to say on the topic of pending applications at this moment. We will entertain questions on the topic later, if you have any. But on that subject, I can make another announcement, not covered in the materials handed to you. Among pending applications are 28 which have not yet been accorded the status of "accepted for filing." As most of you know, to be accepted for filing is a status which has an effect on the eligibility of apparatus in a project. So I'm pleased to announce that we have taken the necessary steps to have those 28 applications accepted, and that those applicants can expect publication in the Federal Register (Very Soon) OR (Date, if we have it).

USE ONLY IF TRUE: Also not that effective dates of acceptances will be retroactive. That is - the effective date of the acceptance will be different for each, and consistent with the date on which the application became acceptable by our office.

(c) Finally - the third step we have initiated has to do with state agencies and the counsel we will need from them with respect to needs and priorities within individual states. Page 4 of the Program Bulletin in your materials covers the role and function of a state agency under the Act. Commissioner Howe has directed a letter to each Governor, requesting the designation of the agency in each state which will act as the official state educational television or radio agency. As of this date, we have received approximately a fifty-percent return.

The role of a state educational television agency has always been an important one - though not necessarily the final decisive one - in previous grant actions under the ETV Facilities Program. With the political and fiscal realities - and the evident shortages in Federal dollars - which will confront us for the next several years, state agencies will continue to play an increasingly important role. If you will permit me my own acronym, I anticipate the development of the SAMITE syndrome (or effect). That's S-A-M-I-T-E: standing for "State Agencies Are More Important Than Ever."

On the basis of past administrative experience, I beleive that the Federal administrators of this program would be able to look to state agencies at least for the following prerogatives or responsibilities:

(AND REMEMBER, THIS NOW INVOLVES EDUCATIONAL RADIO AS WELL AS TELEVISION BROADCASTING):

(1) to plan for the broadest educational TV and Radio broadcast needs within a state (or at least to be aware of planning that has been done or is needed);

(2) to be aware of the relationship between state broadcast needs reflected in applications and the Federal dollars available under a state limitation;

(3) to be able to provide USOE not only with support and enthusiastic endorsement of applications, but also to provide sound guidance as to where a given application fits within state priorities;

(4) to help resolve problems arising from the existence of competing applications from within a state.

We need the kind of guidance I've been talking about. If we don't get it voluntarily, we will seek it directly. And it goes without saying that we encourage each applicant to coordinate his plans and proposals with those of the state agency.

GENERAL COMMENTS ON REGULATIONS AND PROCEDURES

Let me try quickly to comment on two more topics: The Regulations, and new submission and evaluation procedures - in the hope that we may still have time for some questions from the floor.

ON REGULATIONS

When the Regulations are published, you will receive them through the mail - along with other relevant documents. As I said earlier, you will notice very little substantive change from regulations which were in effect for the ETV Facilities Act.

You will notice, however, some elements that were not there before - and you will notice a re-arrangement of elements that you are not used to. So it is important that you read them over carefully, even if you have a thorough acquaintance with the former Regs. Let me mention a few provisions which I suspect will survive in the final and approved version of the regulations.

1) Many changes will be made of an editorial or conforming nature, in order to make the Regulations conform to the provisions of the Act as amended or to executive orders.

Example: The fact that educational radio stations are eligible has made it necessary to make changes so that where the former regulations referred to "television" facilities, the new Regs. will refer to "educational broadcasting facilities."

2) The Section of the regulations dealing with "assurances" will be revised so as to limit the scope and number of assurances required to

those derived from statutory requirements or legislative history. Assurances which were included in the old regs. which were not required by the Act or legislative history will have been deleted or transferred to a section on "conditions to the grant."

SPECIFIC ASSURANCES

There are two specific assurances I suggest you watch for (among others):

One of these is an amplification of the assurance required to establish the eligibility of a "non-profit corporation, association or foundation" as an eligible applicant. As proposed, the assurance would be required that an applicant which is otherwise superficially eligible as a nonprofit corporation is so organized as to be reasonably representative of the educational cultural and civic groups in the community to be served, and free from control by a single private entity.

Another one to look for is a proposed new assurance that the amount of the non-Federal share indicated in the application is the maximum amount available to the applicant. This, of course, relates to the legislative history in the excerpts from the House Report included among your papers. Briefly it will mean (if it is included in the final regulations) that after determining estimated total project costs, an applicant will file a specific assurance that the amount represented as the applicant's share of the project is the maximum which he can raise from non-Federal sources. This would also be the applicant's share of the final total project costs, and would be applied to final costs before determining the final amount of the grant.

REGULATION PROVISIONS DEALING WITH PROCESSING PROCEDURES

Let me try to anticipate for you just three other revisions in the Regulations which bear on processing procedures, and therefore lead to a consideration of changes in processing of grant applications.

-A proposed section of the Regs. would give the Commissioner specific authority to utilize a panel of impartial experts to assist in review of applications in order to obtain advice in determining which applications have sufficiently high priority under the criteria to be processed in first order.

-Another specific provision is proposed for the Commissioner to establish cut-off dates for the filing of applications and amendments thereto, in order to permit "batches" of applications to be considered together in relation to the criteria for approval.

-And a third related provision that is proposed would eliminate the idea that applications will be processed in the order accepted for filing. This would be consistent with the preceding two proposed provisions: that is, for expert review of applications to be effective, deadline dates would obviously have to be established, in order to be able to consider applications together in relation to priorities and criteria. File numbers will still be issued for reference purposes - and the "acceptance for filing" of an application will still be an important status as it relates to eligibility of equipment proposed in the project. But with

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batches of applications considered at the same time, it would not be possible to retain the idea that file number determined the "order" of processing.

ON PROCEDURES

We expect to be able to convene our consultants before the end of the year to consider a variety of topics, including the final establishment of procedures for processing applications and grant actions in 1969. Until that happens, I can't predict exactly what those procedures will be. Nor can I promise exactly what dates will be involved, since I do not know the first crucial date - which is when the Regulations will be published.

But, if you will indulge with me in some hypothetical considerations - I can try to guess the sequence of events.

1. Suppose, for instance, that the Regulations were published December 30. Applicants will be given at least thirty days in which to file amendments or new applications for ETV projects. But suppose we allowed 45 days. That would mean a deadline for amendments and responses from pending applicants of approximately February 15.

2. If that were the case - our staff would require four to six weeks to do the initial processing on all such application materials filed prior to the deadline (it goes without saying, that any materials received after the deadline would have to be deferred to a later deadline). That would make it approximately April 1, before our consultants could review the applications which could be considered for approval in 1969.

3. It is my guess that the list of pending applications would be considerably reduced, by virtue of the fact that a number of applicants will request deferral - but it is also my guess that the list of applications for consultants to review, which request consideration for funding in 1969 will be at least two or three times as great as the available funds. After their recommendations, more processing on individual applications may be required - but if those hypothetical dates were to hold up it would mean that we could start to make ETV grants shortly after May 15, and probably obligate all the funds between May 15 and June 15th. I repeat - those are guesses, not promises. But they will give you some idea of the time sequences which will be required to get to the stage of grant awards.

Let me add just one more item. The "cut off date" to be announced is a final date - not an "initial date."

It will help us considerably if we can receive responses prior to any deadline date. This will be particularly true in the case of pending applicants who can rather easily determine projects which will require deferral.

The necessity to review your own pending applications under the fiscal limitations - and in many cases the need to cooperate and coordinate with state ETV agencies - certainly gives you something to do while waiting for new Regulations and other forms to be issued. Such basic decisions which need to be made as "whether to defer your request" or "how it might be amended" require only the knowledge of a $340,000 state maximum in order

for you to make progress within your own jurisdictions.

And the time-sequence problems which confront us can be speeded up considerably if we can be appraised of your requests for deferral as soon as possible rather than waiting for the day before the deadline to submit them.

(TIME TO STOP. WILL BE GLAD TO ANSWER QUESTIONS IN SUCH TIME AS WE HAVE LEFT IN OUR PORTION OF THE PROGRAM.)

November 22, 1968

Ray Stanley
REMARKS AT NAEB SESSION
"RADIO AND TITLE I OF THE PUBLIC BROADCASTING ACT"

INTRODUCTORY

Before we get into the nuts-and-bolts of your interest in the Educational Broadcasting Facilities Program, I should like to have you make the acquaintance of a man whom you should know, and who will have a more than ordinary interest in your participation in this program during the future. He is Dr. John Ludington, Deputy Associate Commissioner of the Bureau in which we find an administrative home - the Bureau of Adult, Vocational, and Library Programs.

In the somewhat complicated structure from "Branch" to "Division" to "Bureau" and on up to the "Commissioner," the business of awarding grant funds for broadcasting facilities projects sometimes gets a bit hairy. As beginners in quest of the holy grail in the form of government funds, you will discover that the process is not so simple as asking for some money and receiving a check by return mail.

As Deputy to the Associate Commissioner in both the Bureau in which we were originally located and presently tooGrant Venn in the BAVLP, John Ludington has been familiar with the Facilities Program since its beginning. We look back on the achievements of the original Act as having been considerably helpful to the development of ETV Facilities throughout the country - and in many ways in which he has assisted us through the administrative entanglements, John Ludington deserves a great deal of the credit for those achievements. I know that he, as well as we in the branch, are looking forward to the inclusion of the educational radio broadcasting community in this program - and it gives me a great deal

of pleasure to begin this session by presenting him to you for greetings and other pertinent remarks.

(AFTER LUDINGTON'S INTRO.)

As Dr. Ludington has already said, we have not had the time between the appropriation and this convention to be able to deliver to you the completed Regulations, Application Forms and Guidelines (which we call an Instructional Manual) which would enable you to file an application the day after you get back home.

We are well along in the development of those documents, however, and expect that they will be available before the end of the year. It is just possible that even if we had them today, we could not profitably discuss them - because they are written in Federalese, and it will take you a little time to learn to read that dialect of the English language.

We have, however, put together for you a package of materials which contain just about as much as can be said about the program prior to the issuance of officially approved regulations. Those materials were distributed to you as you entered the hall (if you haven't received one, raise your hand and one of our staff people will deliver a package to you.)

Among those materials in a sample and unofficial copy of the 6th draft of the proposed application form. You will note that every page is labelled "working draft only - not for official distribution or use." That is literally true. These copies have been provided for your information only, and may not be used in any official manner.

However, we suspect that the final application form will very closely resemble this draft - and that any changes made in the finally approved version will not be substantively different.

That being presumably so, we have decided that the most profitable thing we can do in the 90 minutes available to us is to furnish you with this information copy and walk through it with you. Our reasoning for this approach is this:

1) The application form is based on the Act and the proposed regulations. Included within it are all of the information justifications and assurances which will be required by the Act and Regulations. It is the vehicle by means of which those requirements may be satisfied in making an application for Federal funds - and therefore is a useful guide to the regulations themselves.

2) The application form is the instrument which you use in applying for a Federal grant for radio transmission facilities. Obviously, you will need to become thoroughly familiar with the Regulations and the Instructional Manual and the Eligible Equipment List, when these are available. But in applying for a grant, you don't submit the regulations - or return the instructional manual -- you submit a completed application. Thus, having this copy of the form available, even though it is a draft and not yet official, will give you the opportunity to study it and become familiar with procedures involved.

3) The form, even in its present state, indicates quite clearly the amount of work which is involved in preparing an application. There is as you will see, a great deal of "planning" to be done before you can submit an application. There are facts and figures to develop. There are a host of statistics to gather with respect to school enrollments and population served, as well as technical information about coverage areas. There is a good deal of documentation which must be provided by way of substantiation of statements you will make. These are all areas in which any prospective applicant can begin to do "homework" in anticipation of an eligible date for filing an application. In other words, and to borrow a bit of imagery from OEO - we hope that in giving you this sample copy of the application form, we are giving you a headstart which can keep you busy while you are awaiting the official regulations and announcement of filing dates.

Stuart Hallock of our staff will be your guide through that jungle. But before I turn the session over to him, let me comment on two other matters. The first of these is to urge you to read thoroughly the other materials in the package handed to you. These include a "working paper" which is merely a convenient comparison of the principal features of the original ETV Facilities Act and the amendments incorporated in Title I of the Public Broadcasting Act -- a reprint of excerpts from the House Report on the Act, which has some interesting and paradoxical comments on the 75% rate of Federal matching funds - and a reconciled copy of Title I itself. As amended in the Public Broadcasting Act, Title I contains only word changes, additions and deletions from the original Act. This

reconciled version enables you to read Title I in sequence, with the amendments incorporated into the language of the Act.

A fourth item is the first "Program Bulletin" issued by the Educational Broadcasting Facilities Program, which contains nine categories of information relating to the continuing administration of this program. In order to save time, I don't propose to read these to you. But I urge you to read them - and want particularly to direct your attention to these items:

1) The rather obvious fact that funds available are for transmission apparatus only - no building, programming or operating costs can be included in a project.

2) The categories of eligible applicants, as spelled out in the Act.

3) The excerpt from the House report on the subject of 75% grants. We include this for your information to illustrate a problem in policy about the handling of "matching funds" under this program. It is an important item of legislative history, and therefore will be a policy factor. I'm not sure everybody understands what is meant by the Committee's intent that the "75% grant should be the exception rather than the rule." Policy on this point has not yet been definitely established. But if you want to discuss it later, we'll be glad to speculate along with you.

4) Section 392 (a) (5) of the Act included in your papers is another item calling for special reading. This paragraph requires that an application must provide the assurance that "in the case of an application with respect to radio broadcasting facilities, there has been comprehensive planning for educational broadcasting facilities and services in the area the applicant proposes to serve and the applicant has participated in such planning, and the applicant will make most effective use of the frequency assignment."

This required assurance - together with the other criteria relating to "community service" and "broadest possible educational uses" of broadcasting facilities should be read very carefully and understood in its fullest implications by any one who hopes to establish a ten watt radio station under this Act. Or by any one who proposes to increase the power of a ten watt station to eleven watts.

5) The information in the Program Bulletin, perhaps, has greatest relevance for the applicants who have ETV station applications pending. Most of the program bulletin is intended to explain why we cannot immediately go back to the good old days and resume processing ETV applications where we left off. But there are two items in the bulletin which should be especially meaningful to prospective radio applicants as well. One of these is the notation that the state limitation for 1969 will be $340,000 (as the Act provides, that is 8½% of the appropriation). The other is the section on State Educational Radio Agencies.

In the light of that state limitation and the fact that it applies both to radio and ETV applications which may be competing for funds under that limitation, the role of the state educational radio agency becomes extremely important. This is not the place or time to comment at great length on the formation of a state radio agency (if your state doesn't have one) - but it is obvious that such agencies will play an increasingly important role in the implementation of the Broadcasting Facilities Program. It is our hope, of course, that in each state the officially designated agency will combine responsibilities for both radio and TV - so that we at the Federal level will not have to referee contentions between state agencies as well as between applicants. We trust that this point will come across strong, and that you will fully understand the need for close coordination and cooperation with your state agency in developing your plans for applications under this program.

DEADLINES FOR SUBMITTING APPLICATIONS

One more area of comment - and then I'll turn Stu Hallock loose. I cannot tell you when we can start to receive applications for radio projects, except that it will be as soon as regulations and application forms are published and sent to you. But I can tell you that a deadline or "cut-off" date will be established for the submission of applications.

I cannot tell you exactly what that deadline submission date will be - but I can tell you that it will be later than it will for ETV applicants - that is, we will allow somewhat more time for radio applicants to file applications than we will for pending ETV applicants to review pending applications and submit revisions.

Earlier, Dr. Ludington identified the consultants who have been appointed to assist us in the administration of this program. We expect to be able to convene those consultants before the end of the calendar year to consider a variety of topics, including priorities for radio projects and final establishment of procedures for processing applications and grant actions.

If you will indulge with me in some hypothetical considerations, I can try to guess a sequence of events which may give you some clues as to the dates which will be involved.

1. Suppose, for instance, that Regulations were published December 30. Suppose we allowed radio applicants 60 to 75 days as a cut off date for filing. That would mean a deadline for radio applications of approximately March 1st or 15th.

2. If that were the case, our staff would require four to six weeks to do the initial processing on all such application materials filed prior to the deadline. (It goes without saying that any materials received after the deadline would be deferred until the next deadline, probably in the next

fiscal year.) That would make it April 15th to May 1st before all applications on hand could be processed for review and consideration for funding within the limits of the criteria and the available dollars.

3. We anticipate that our consultants will review radio as well as ETV applications, and that the number of radio applications on hand at that time will probably exceed the dollars available. On the basis of their recommendations, some additional processing or negotiations time might be required in order to finally determine who gets grants and how much.

4. If those hypothetical dates were to hold up, it is my guess that we could start to make radio grants shortly after May 15th, and probably obligate all funds available for radio by June 15th.

I repeat - these are just "guesses" - not promises. The exact dates will depend on when we can get the Regulations published. My only reason for guessing at all about them is to give you some idea of the time sequences which will be required to get to the stage of grant awards.

One more thing: with only $4,000,000 available in the total appropriation, it is evident that the amount available in 1969 for radio projects will not be a great deal. (Of course, by the same token, radio equipment doesn't cost nearly so much as TV equipment.) But please don't let that stop you from filing applications. What we hope to do, of course, is to be able to fund a number of exemplary radio facilities projects with 1969 funds, so

that we can demonstrate to Congress the highly important role that radio has played and must continue to play in the use of broadcast communications in our country as instruments of education. Projects which we cannot fund with 1969 funds will be carried over to 1970, and will retain their status of being accepted for filing. And we will need a backlog of applications in order to justify to Congress the continuing need for adequate appropriations in 1970 as well as in the years after that.

Now - the most recent addition to our Broadcasting Facilities Staff is Stuart Hallock, who came to us from the University of Kentucky, where he enjoyed a distinguished career in both radio and television activities. The task of conducting you through the intricacies of a Facilities Application Form is going to be his job - thank God.

NAEB Session - "Radio and Title I of the Public Broadcasting Act"

November 22, 1968

Sheraton Park Hotel, Washington, D.C.

Part 2 - "Applying for Title I Funds - A Review of the Application Form"

This is a title which every Radio programmer here knows has to be shortened and has to have a dash of color added, so I've changed it to:

"THE END OF THE RAINBOW"

On the educational airways, radio's light has always shone, not as brightly perhaps as some of us may have wished. Nevertheless, with ever increasing dedication, this light has been growing stronger by the efforts of many of you. Now, with Educational Radio finding its way into more and more American homes because of the programming keys you (collectively) have designed to open the doors, this light begins to radiate educational impact as bright and exhilerating as all the colors of the rainbow.

Our hope is that P.L. 90-129 will be a strong ray of financial hope to help you along the pathway to a glittering future where the great promise of this educational medium will be realized, where your radio program, offered to increasing audiences, will inspire and uplift.

I was cogitating about this ray of financial hope Title I might shed as I was leaving the house this morning to come here. I was about to receive my goodbye kiss when - (joke)

(As Ray has indicated) there is a Federal pot of gold at the end of the Title I rainbow for fiscal 1969 reserved for potential Radio applicants. Although this much sought after pot is an unknown amount at the moment, the known factor is that, based on the total '69 appropriation, it must of necessity be a critically small pot. What this means for fiscal '69 is that only

the most significant radio projects which best meet the criteria for priority and present the strongest justification will be funded. Already there are 65 contenders who will be striving to become a bona fide Radio entry.

A quick summary of the Radio activity to date reads as follows:

We have received 50 letters of intent and know of 15 other possible projects from the NER Questionnaire returns, making a total of 65 potential applicants from 32 States.

Of these 65, 12 have indicated fairly precise approvable projects in fiscal '69. 25 have indicated projects which are probably approvable in fiscal '70.

13 have indicated possible projects, which are unlikely to be approvable.

That accounts for the 50 from whom we have had correspondence; the remaining 15, we know about thru the NER Questionnaire Returns which listed 17 potential applicants, 2 of which we have heard from so far. So, adding up the 65 "probables" to date, they total appropimately $2,500,000 in Federal funds. And, we expect this list to grow almost daily which strongly suggests the need to sell Congress on higher appropriations for P.L. 90-129.

Before anyone gets discouraged, remember that not all applications will be approvable for various reasons which our review of the application will bring to light; and some that do get approved and accepted for filing will not be funded for failure to meet one or more of the required conditions.

At the same time, I must emphasize that an approvable project simply means one which, after initial review, will gain the status of being accepted for filing. And being accepted for filing is no guarantee of a grant award.

If you hope to run a strong race, you must submit to vigorous preparation. One of the 5 assurances, as specified in the Act, is that a Radio project must include evidence that you have participated in comprehensive planning for broadcast facilities and services in the area you propose to serve or are serving, and additionally that you, as an applicant, will make the most efficient use of the frequency assignment. Your project will be evaluated according to the degree it meets the criteria which determine the priority of applications. Careful study of the factors to be evaluated is mandatory if you want to get started on the right track. I shall highlight only the 2 criteria which are specifically mentioned in the act pertaining to Radio:

(1) equitable geographical distribution of educational radio broadcasting facilities throughout the States;

(2) provision of educational radio broadcasting which will serve the greatest number of persons, and serve them in as many areas as possible, and which are adaptable to the broadest educational uses. All the criteria which will apply can be found in Section 60.13 of the Regulations, a copy of which you'll receive along with the official Application Form and the accompanying Instructional Manual early in 1969. To receive these forms you must send us a written request if you haven't already. You will then be placed on the mailing list to receive all our publications as soon as they become available. Our address is on page 1 under Instruction C of the working draft Application Form in the packet you have received.

In view of the content of many of the letters of intent to file radio applications received thus far, I deem it prudent to stress the fact that the Title I hardware program is limited by statute to the business of granting financial support to public broadcasting educational stations in the fullest sense of the term public broadcasting. One of the axioms

of this program is "the more 'public' your broadcasting, the stronger your case will be." You must now be serving or planning to serve the interest, convenience, and necessity of the "publics" of your community with a quality broadcast signal in order to clear the first hurdle to securing a grant.

If you haven't already done so, you are urged, before making the decision to apply for Federal funds under this program, to take a careful look at your Community Needs for Educational Broadcasting. Before filing an application, you should identify the nature and scope of needs within your areas of concern and jurisdiction that can and should be served by the broadcast of radio programs. As a Radio broadcaster, you have an obligation to provide a wide range of program services. Unless you have considered the entire range of needs of the community to be served for educational, cultural, informational, or enrichment programs, and your own willingness and authority to serve those needs, your project may not measure up.

By now, I'm sure it's becoming more and more evident that the APPLICATION you submit is the key that unlocks the door to a share of the Federal gold at the end of the Radio rainbow. However, you have a qualifying heat to run first. So let's go now to the Application Form which is in the folder. Please notice it is only a working draft and not for official distribution or use.

Since the final form will not be significantly different, this working copy may give you a chance, if you so desire, to study the contents at your leisure, to become fully aware of procedures, and to decide how best to proceed. Also, the Application Form, rather than the Regulations or Instructional Manual, at this point, is your best guide to the kinds of information which will be required of you.

I will limit my remarks to what makes a complete application, giving you pointers in the areas where many an applicant stubs his toe, and, at the same time, I will stress the areas where you can get the jump on the other fellow by doing some homework.

Notice the form contains 7 Sections. Section I is a listing of procedural Instructions and a Summary Profile of the Applicant.

Please follow carefully the Instructions in Part B, and pay special attention to the FCC requirements which must be met before processing of the application can proceed, and to the Regulations and Instructional Manual which you must study carefully. You must constantly refer to them for amplication of the various Exhibits requested.

On the right side of this first page, parts 3 thru 8, the applicant indicates his eligibility category, his compliance with the FCC, the State Agency, and the Civil Rights provisions; and in parts 9 and 10, he supplies a succinct summary of the proposed project.

The purpose of this Section I is to provide the Program and Engineering evaluators of the EBFP with the necessary data to ascertain the applicant's initial readiness to proceed.

You are alerted to Part F of the Instructions which cautions you against incomplete applications which will be returned. This may cause an applicant to miss a stated deadline for filing which will force deferral of a project probably to the next fiscal year. Since this is Radio's first run to the end of the rainbow, there may be some 'first time' hurdles you fail to clear in the early going which will force a delay in grant award. However, careful scrutiny and thoughtful filling out of the Application Form will lift you over most of the delaying hurdles over which you have control, and keep unavoidable delays to a minimum.

Moving now to Section I in this qualifying heat of the rainbow, we are immediately confronted with one of the most critical hurdles of all, (for if you don't clear this one, the race is over for you), and that is the legal qualifications of the applicant. Substantiating your organization's eligibility as an applicant completes two of the five assurances specifically required in the Act. The kind of documentation you must provide is indicated in this section.

In Section I you will have indicated the category in which your organization falls. In Section II (pg.3) Exhibit 2A, you are required to document it according to the definitions and requirements set forth in the program's Regulations and Instructional Manual.

A few of you who may be representing a high school (or some other institution under your State Board of Education) probably will find you are legally eligible to qualify in Category 1.

Others of you who can document that your organization is a bona fide State Radio Agency will find you can readily qualify under category 2.

Most of you fall in the third category - a college or university - no problem for some, but a real stickler for others. A college or university, to be eligible, must receive direct and continuing State or local tax revenues for a current academic program of instruction for which credit is offered at the higher education level. If your institution is privately supported, it is ineligible.

Some of the stations represented here may be eligible under category 4 as a non-profit corporation. An applicant wishing to qualify as an eligible nonprofit corporation, foundation, or association must provide documentation to substantiate that the applicant is so organized as to be reasonably representative of the educationa, cultural, and civic groups in the community

to be served; that it is free from the control by a single private entity, (either thru membership on its board of directors, source of funds, or otherwise) and would prevent or restrict it from serving overall community needs and interests. It must be organized primarily to engage in or encourage educational radio broadcasting and be eligible to receive an FCC license.

On pg. 4 is the 5th category - a municipality - which is a rare bird and to our knowledge does not concern any of you potential applicants in the audience.

Your homework in this section is: to acquire the legal documents needed to substantiate your eligibility, to secure your FCC C.P. or any other FCC authorization required by your proposed project, and to take the steps needed to comply with the Civil Rights Provisions.

You will notice in bold print in the middle of page 4 the statements to which you, as an applicant, must attest: "THE OPERATION OF THE FACILITIES PROPOSED IN THE APPLICATION WILL BE UNDER THE CONTROL OF THE APPLICANT." __Yes __No. This completes three of the 5 Assurances required in the Act. Only if you check no to this statement is Exhibit 2B required.

Exhibit 2C requires you to submit a copy of the official minutes of the meeting or record of any other action by the applicant's governing body, authorizing the filing of the application and authorizing an individual or officer to sign the application and to act on behalf of the applicant in connection therewith.

Section III on page 5 requests the Population and School Enrollment Data within your station's existing or proposed service (or coverage) area. The service area for AM stations is the population within the predicted 500 microvolt contour; for FM stations it is the population within the predicted 1 microvolt

per meter contour.

The two Exhibits required in this section (3A and 3B - with format supplied) are self explanatory.

Information to be supplied in Section IV (page 7) should constitute a comprehensive response to the criteria for priority and approvability of the proposed project in a manner which will demonstrate the consistency of the project with the language and intent of the Act.

Exhibit 4A and 4B pose no special problems. They simply call for a listing of your existing facilities, if any (4A), and the proposed facilities (4B) to be acquired in the application. Here we want you to list the major items of equipment. Also include in both exhibits a description of the geographical location of your production, transmission, and interconnection facilities.

Exhibit 4C is another spot for some special homework. It requires submission of legal evidence which will shown the nature and extent of arrangements made by the applicant for rights to the site (or sites) where transmission apparatus to be acquired in the project will be installed.

It is important for you to understand that the Act provides that repayment of Federal funds may be required if, within a 10 year period, project apparatus ceases to be used for noncommercial educational broadcasting purposes, or if the owner of such apparatus ceases to be an eligible applicant.

Information with respect to site rights is required only in connection with items of transmission apparatus which will be attached to the land or to structures thereon (such as towers, antennas, transmitters, boosters, repeaters, etc.). Specifically, the applicant should show that he either will own the site on which such transmission apparatus will be installed, or that he will have the right to construct, operate, and maintain such apparatus, as well as

the right to remove such apparatus during a ten year period following completion of the project.

Now we come to the most critical hurdle of the entire course - Exhibit 4D, wherein you supply your comprehensive justification of the proposed project. Mark this one for homework - in big letters. Most of the applicants win or lose in the finals of this race right here. So beware of a perfunctory treatment of this Exhibit, for, very likely, it will knock your application right out of the running. With the severely limited funds available in fiscal '69, this Exhibit takes on even more than the usual significance (which is considerable).

In general, this Exhibit should include:

(1) evidence (as the act requires) of the applicant's comprehensive planning for facilities and services (which I stressed earlier) showing how the project will help the applicant make the most efficient use of the frequency assignment.

(2) an evaluation of the specific needs (as determined in the planning) for establishment or improvement of educational radio services which your project is designed to fulfill.

(3) a description of the ways in which the equipment proposed in this project will meet or help to meet the above needs.

In preparing this Exhibit, you should give detailed attention to such considerations as, but not restricted to, the following:

(a) whether the proposed project will result in the activation of a new station where no such service has previously existed; or in the case of an expansion project whether it will result in an increase in program service or audience reached or both. Include examples of existing and/or proposed program schedules, and hours per week of local programming.

(b) the extent to which intended audiences are using broadcast services or will use proposed services and/or improvements. Including supporting verification where relevant, and

(c) the relevancy of the project to the development of educational broadcasting within the State, region, or the nation through network distribution.

These instructions should be regarded as suggestive guidelines adaptable to the specifics of your project.

The following questions may be helpful in developing Exhibit 4D in relation to the criteria for priority and approval:

What are the specific broadcast program services which your proposal intends to provide? Why are they necessary? Who says so? What determines that broadcast radio is necessary rather than some other methodology? Are there relevant feasibility studies, surveys, research projects, audience reactions, or other similar types of information to support your statements of need? What program resources are available locally and to what extent will they be used? Is local live production of programs, (based on local sources,) realistically required? To what extent can (or cannot) program services be provided by other stations in the area? To what extent will membership in networks or program exchange arrangements contribute to total programming? Where interconnection for program exchanges is involved, what are the kinds and hours of program benefit to be derived from such interconnection? What arrangements have been made for proposed or continuing participation and cooperation of major educational organizations or community groups in the support, program development, and/or utilization of station program service? What is the relative priority of your project among identified needs for educational broadcasting facilities within your State?

What is the impact of the amount of the proposed Federal grant request upon the State limitation for the fiscal year?

In nearly every State, a given application will necessarily compete with one or more applications from agencies within the same State or city, seeking support under the Act. If you want to stay in the running and withstand the surge from the other contenders, then really go all out on this Exhibit 4D. Make it significant.

Exhibit 4E, the last one in Section IV, is self explanatory.

We're past the halfway mark now in this challenging qualifying heat with just three laps to go. We move into Section V on page 9 which calls for Data on Project Equipment. As in most endeavors, teamwork is the key to victory, so at this point you pass the baton to your engineer.

The information required to be submitted in Exhibit 5A constitutes the "project" for which Federal assistance is requested and is therefore a key exhibit.

The format of Exhibit 5A is designed to accomodate either a radio or a television project. Before completing this exhibit, you should become thoroughly familiar with the definitions included in the Act and in Section 60.3 of the Regulations, cost eligibility provisions of Section 60.14 of the Regulations, and the List of Eligible Apparatus which will be published by itself.

In preparing this exhibit, project cost items should be listed in sufficient detail to identify eligibility and cost. Do not include apparatus, which, prior to the date on which your application is accepted for filing, the applicant will own or be obligated to own. Do not include the cost of

any such apparatus which, upon completion of the project, will be used primarily for closed-circuit, or other non-broadcast purposes.

As required by the Act and the Regulations, apparatus acquired in a project must be "primarily" for broadcasting, and only "incidentally" for transmission of closed circuit programs. Exhibit 5B should be a description of any closed circuit activities of the applicant-organization wthether or not such activities may or may not involve equipment requested in the project. In any case, do not omit this Exhibit. If there will be no closed circuit involvement of project apparatus, submit a simple statement to that effect.

The activation or expansion of educational broadcast stations will, in some cases, involve costs which are not eligible for Federal matching purposes but which are nevertheless necessary to the completion of the project and operation of the station. In Exhibit 5C, you should either list those ineligible costs which are necessary to the project, or explain that no such costs are necessary. The total nonproject costs must be added to the total amount required of the applicant for project matching purposes and reflected in your assurance with respect to the availability of non-Federal funds. This assurance I'm about to discuss in the next exhibit.

Section VI on page 13 of the application, is entitled Financial Date and Assurances. It is here you provide satisfactory assurances, (completing four of the five specified in the Act), that sufficient funds will be available from non-Federal sources to meet the applicant's shre of project costs, to provide for all non-project costs identified in Exhibit 5C, and to operate and maintain the radio station.

In Exhibit 6A list the sources and amounts of non-Federal capital funds needed for the project and attach evidence that such funds are available now. The amount to be substantiated here is the total of the non-project costs described in Exhibit 5C (if any) and the applicant's share of the project costs. To be complete, this Exhibit must contain evidence of availability of such funds in the form of copies of legislative actions appropriating funds, copies of approved budgets indicating funds for construction, certification that funds are on hand as cash on deposit, in securities, etc., or signed statements from appropriate administrative officers of the applicant agency certifying that funds are on hand and available for use in the project.

As Exhibit 6B, you must submit certification by an officer or official primarily responsible for fiscal policy that the amount indicated in 6A is the maximum amount available for such purposes from non-Federal sources.

In Exhibit 6C, you must list anticipated expenditures for operating in the first twelve months following the date the equipment acquired in the project is placed into operation.

In the case of the activation of a new station, reasonable expenditure estimates must be supplied which are consistent with plans for provision of program services as reflected in your proposed broadcast schedules associated with Exhibit 4D.

In the case of the expansion of an existing station, previous operating budgets will provide guidance as to the amounts to be represented in this exhibit. However, your figures should reflect any additional costs of operating the facilities to be acquired in the project.

Section 60.17 (c) of the Regulations provides that a condition to a Federal grant award will be that each applicant must provide insurance

protection to cover project equipment during construction and for ten years following completion of the project. If no amount is shown in the anticipated operating budget for insurance purposes, a statement should be attached explaining the type of protection to be provided.

In Exhibit 6D, in order to assure that funds will be available for operation when needed, you should identify the sources from which funds will be secured to meet anticipated operating expenditures. In general, a showing that such funds will be available to cover expenditures during a 12 month period following completion of the project and that continuity of support can be expected, has in the past been considered sufficient by the Commissioner.

Applicants should bear in mind the ten year period of Federal interest in the project, and should therefore identify in this exhibit resources from which revenues are likely to recur in subsequent years, as well as resources available on a one-time basis.

As with Exhibit 6A, an Exhibit 6D, which is merely filled out and signed, cannot be considered complete. Substaining documentation verifying the availability of such funds must be attached. Acceptable substantiation may include such documents as copies of legislative authorizations, statements from appropriate administrative officials citing past histories of operational support and the amounts thereof, pledged participation of school systems or other participating organizations; evidence of revenue-producing production contracts (or pledges) from producing organizations such as NER, the Public Broadcasting Corporation, and others.

We are now out of the critical financial back-stretch and heading home with Exhibit 6E on page 18 which is simply a summary of the financial data relating to your project, including computation of the amount of the Federal

grant requested. Starting with your Total Project Cost you compute your Maximum Grant Entitlement and your Total Capital Required. The information requested is sufficiently self-explanatory in the exhibit.

As you press on to make yours one of the best qualifying applications the finish line is just ahead after you complete Section VII which is termed Other Assurances. These include one more assurance required by the Act and three by the regulations none of which are provided for in other sections of the application form. They are self-explanatory, and are grouped here for signature.

In your pursuit to win the gold medal of getting your project funded, those of you who prepare well, who heed all the guidelines and thereby design a complete application, those who come on strong thru the critical hurdles of applicant eligibility, project eligibility, project justification, and financial readiness will have the best chance of withstanding the gritty challenge of your competitors and come thru a winner. And if, because of the limited funds available your project does not get funded in '69, remember that it will be deferred to the next go around, and your efforts for the radio gold at the end of the rainbow can be rewarded in 1970.

The EBFP program has no hope of success if, instead of fostering excellence, it perpetuates mediocrity. Title one will only succeed if it helps to improve the outreach, the quality of programs, and the impact of Educational Radio and Television broadcasting. This is the purpose and goal of Public Law 90-129.

After forms are received early in 1969 and you've had a chance to complete a draft of your application, we invite you to confer with us, if you feel you have a problem or a question.

(As is stated on page 3 of the Program Bulletin in your packet of material, any deadlines or due dates, which may be established for filing radio applications will be announced in the Federal Register at the time Regulations are published and will allow ample time for preparation.)

So that everyone who wants to ask a question will get a chance to in the Question and Answer Period now to follow, Ray and I request that you hold any detailed questions which probably require time consuming answers (like "Is there anything my organization can do to become eligible since it isn't now?) until after this session when Ray or I will be glad to get together with you. If you do have questions of general interest, now is the time to ask.

6th DRAFT

OF

APPLICATION FORM

FOR

FEDERAL GRANT

FOR

NONCOMMERCIAL, EDUCATIONAL

BROADCASTING FACILITIES

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U. S. DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Office of Education

Washington, D.C. 20202

November 1968

OE FORM #____ Form Approved
December 1968 (Budget Bureau No.____)

U.S. Dep't of Health, Education & Welfare

APPLICATION FOR FEDERAL GRANT FOR NON-COMMERCIAL EDUCATIONAL BROADCAST FACILITIES

INSTRUCTIONS

A. This form is to be used only in applying to the Commissioner of Education for a Federal matching grant for the construction of a new noncommercial educational broadcast station or to expand an existing station. This form consists of this part, Section I, and the following sections:
Section II, Legal Qualifications of Applicant
Section III, Population & Enrollment Data
Section IV, Program Service of Applicant
Section V, Data on Project Equipment
Section VI, Financial Data and Assurances
Section VII, Other Assurances

B. Before filling out this application, the applicant should familiarize himself with: the Communications Act of 1934, as amended, particularly Title III, Part IV; the printed Regulations and Instructional Manual relating to Title I of P.L. 90-129; Parts 1, 2, 73, 74 and 17 of the Rules and Regulations of the FCC; and the requirements of 45 CFR Part 80, issued pursuant to Section 601 of the Civil Rights Act of 1964.

C. PREPARE FOUR COPIES of this form and all exhibits. Mail two copies to the Director, Educational Broadcasting Facilities Program, U.S. Office of Education, Washington, D.C., 20202; one copy to the Secretary, FCC, Washington, D.C. 20554; and one copy to the State educational broadcasting agency, if any, in the State in which the channel associated with the project is assigned by the FCC.

D. This application must include one copy of each appropriate FCC application or authorization as required by the agency for any aspect of the proposed project for which a Federal grant is requested.

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SECTION I File No.____ (leave blank)

1. Name of Applicant (legal name)

Street Address

City State Zip Code

2. Name of Person to whom communications should be sent:

Street Address

City State Zip Code

Telephone: Area Code ___ ___ ___

3. The applicant is:
___a public elementary, secondary, or higher education agency
___the State ETV or Radio agency
___a tax supported college or university
___a nonprofit foundation, corporation, or association
___a municipality

4. Under P.L. 87-447/90-129, state the number of grants previously received __; the number of applications currently on file

5. Are any other Federal grants, which relate to your Broadcast operation, currently being applied for? ___Yes ___No
If Yes, state the nature of such grant.

6. Has a copy of this application been served on the State ETV/Radio agency? ___Yes ___No. Have State agencies of other States which fall within the applicant's coverage area been notified? ___Yes ___No
Has a copy of this application been served on the FCC? ___Yes ___No

7. Is FCC authorization required by this proposed project? ___Yes ___No; is a copy of FCC application(s) attached? ___Yes ___No. (Approval of project is contingent upon FCC having granted any necessary authorization to construct the broadcast facility, and such grant by FCC having been made final under FCC Regulations. See Section 60.15(b) of HEW Regulations.)

E. This application must be signed by a duly authorized representative of the applicant. (See discussion of Exhibit 2C, Chapter III of Instructional Manual.) At least one copy, supplied to the Commissioner, must bear an original signature in ink (not a facsimile).

F. BE SURE ALL REQUESTED ITEMS OF INFORMATION ARE FURNISHED. INCOMPLETE APPLICATIONS WILL BE RETURNED TO THE APPLICANT WITHOUT CONSIDERATION.

8. Indicate status of compliance with the Civil Rights Provisions:
__Applicant has on file with Dep't of HEW DHEW Form 441, Date_____, Registration No._____, Date of Letter of Acceptance_____; or
__Applicant is filing such form concurrently with this application.
(Applicant must file with the Dep't of HEW, DHEW Form 441, as required, if such is not already on file.)

9. Proposed Project Summary:
__TV __Radio; __Activation
__Expansion; Channel No.____;
Frequency_____; __Reserved
__Not reserved. If not reserved, has petition for reservation been filed with FCC? __Yes __No

Location of Main Studio:
City_____ County_____
State_____.
Location of Transmitter:
City_____ County_____
State_____; ___miles from studio
Average Coverage Radius _____miles.
Total Population within coverage are.
_____.
Requested Facilities:
__Antenna, __Tower, __Transmitter,
__Translator, __Studio equipment,
__Recording equipment, __Microwave

10. Amount of Grant applied for:

Total Project Costs	$
Non-project Costs	$_____
TOTAL	$
FEDERAL FUNDS	$_____
NON-FEDERAL FUNDS	$

SECTION II

LEGAL QUALIFICATIONS OF APPLICANT

In this section, documentation of applicant's eligibility is required in compliance with the Regulations governing the program.

Submit the following Exhibits: (For details, see Chapter III B of Instructional Manual.)

Exhibit 2A Assurance that the applicant is eligible as claimed in Section I, Item 3 of this application, and that the applicant's organic and corporate powers include the authority to construct and operate noncommercial educational broadcasting facilities and to receive Federal funds for such construction.

(i) If the applicant is an "agency or officer responsible for the supervision of public elementary or secondary education or public higher education within a State, or within a political subdivision thereof," submit evidence of eligibility, such as copies of legislation or ordinances establishing such authority.

(ii) If the applicant is a "State educational television agency" and/or a "State educational radio agency," submit evidence of eligibility, such as copies of legislation establishing such authority.

(iii) If the applicant is a "college or university" submit evidence of eligibility, such as copies of legislation or a Charter establishing such authority, and evidence that financial support derives in whole or in part from tax revenues.

(iv) If the applicant is a "nonprofit foundation, corporation or association" submit evidence of eligibility, such as articles of incorporation and By-Laws; and such other evidence with respect to organization, autonomy and financial resources as would be responsive to the discussion of Exhibit 2A in Chapter III B of the Instructional Manual.

(v) If the applicant is a "municipality which owns and operates a broadcasting facility transmitting only noncommercial educational programs," submit evidence of eligibility, such as citation to statutes establishing such municipality, and evidence that such municipality currently owns and operates a noncommercial educational broadcasting station.

Exhibit 2B THE OPERATION OF THE FACILITIES PROPOSED IN THE APPLICATION WILL BE UNDER THE CONTROL OF THE APPLICANT __YES __NO
If the answer is NO, and the operation of the facilities will be under the control of someone other than the applicant, submit as Exhibit 2B evidence that such other person or agency is also eligible as an applicant.

Exhibit 2C Evidence that the applicant, and where appropriate the applicant's representative, has legal authority to file this application.

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SECTION III

POPULATION AND ENROLLMENT DATA

Information to be supplied in this section is a breakdown of the total population figures and school enrollment within the applicant's service area.

Submit the following Exhibits:

Exhibit 3A - Using the format below, indicate the total population within existing (if any) and proposed service area, as defined in the Regulations, 60.3(w). (Also, see discussion of EXHIBIT 3A, CHAPTER III C, of Instructional Manual)

POPULATION WITHIN SERVICE AREA

1. Existing (if any)

Name of State	Population within existing Service Area
Total Population:	

2. Proposed

Name of State	Population within proposed Service Area
Total Population:	

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Exhibit 3B - Using the format below, indicate the total number of educational institutions (public and nonpublic, nonprofit), local agencies, and most recent, regular-term enrollments within existing (if any) and proposed service area. (See discussion of EXHIBIT 3B, Chapter III C, of Instructional Manual)

SCHOOL ENROLLMENT

1. Existing (if any)

INSTITUTIONS	STATE		STATE		STATE	
	Number	Enrollment	Number	Enrollment	Number	Enrollment
Elementary and secondary schools (public and nonpublic, nonprofit)						
Institution of higher learning (public and nonpublic, nonprofit)						
Other educational institutions						
Total:						

Grand Total of Students:_____

Grand Total of Educational Institutions:_____

2. Proposed

INSTITUTIONS	STATE		STATE		STATE	
	Number	Enrollment	Number	Enrollment	Number	Enrollment
Elementary and secondary schools (public and nonpublic, nonprofit)						
Institutions of higher learning (public and nonpublic, nonprofit)						
Other educational institutions						
Total:						

Grand Total of Student:_____

Grand Total of Educational Institutions:_____

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SECTION IV

PROGRAM SERVICE OF APPLICANT

Information to be supplied in this section should constitute a comprehensive response to the criteria for priority and approvability of the proposed project. (See Section 60.13 of the Regulations and CHAPTER III D of the Instructional Manual)

Submit the following Exhibits:

Exhibit 4A - A brief description of existing facilities, if any.

Exhibit 4B - A brief description of facilities proposed in application.

Exhibit 4C - A brief description of the nature and extent of the rights the applicant will have to the site(s) upon which transmission apparatus to be acquired in the project will be installed. Attach copies of documents conveying or describing those rights, such as deeds or leases.

Exhibit 4D - A comprehensive justification of the proposed project. (Applicant should give detailed attention to the considerations which are described in the discussion of EXHIBIT 4D, CHAPTER III D, of the Instructional Manual)

In case of an application with respect to Radio broadcasting facilities, provide, additionally, documentation that there has been comprehensive planning for educational broadcasting facilities and services in the area the applicant proposed to serve and the applicant has participated in such planning, and the applicant will make the most efficient use of the frequency assignment.

Exhibit 4E - A statement setting forth applicant's estimated time in months to complete the project following grant approval by the Commissioner and receipt of any required FCC authorizations.

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SECTION V

DATA ON PROJECT EQUIPMENT

Submit the following Exhibits:

Exhibit 5A - A detailed list of the transmission apparatus items, their estimated acquisition and installation costs, and related eligible services which constitute the proposed project.

(a) Before completing this exhibit, the applicant should carefully read the Regulations, particularly Sections 60.3, 60.9 and 60.14; the discussion of EXHIBIT 5A CHAPTER III E, in the Instructional Manual; and the "List of Eligible Educational Broadcasting Transmission Apparatus and Suggested Minimum Performance Standards".

(b) Use the format and major categories shown below and expand the subcategories as necessary to identify all items.

Exhibit No. 5A PROJECT APPARATUS

Item	Manufacturer	Quantity	Model No.	Equipment acquisition cost	Installation cost	Total cost
1. Antenna System						
a. Antenna				$	$	
b. Tower						
c. Other (specify)						
Sub-total				$	$	$
2. Transmitter and related items						
a. Transmitter						
b. Other (specify)				$	$	$
Sub-total						
3. Studio equipment						
a. Camera(give tube size and type)						
b. Audio Consoles, Amplifiers, Turntables, Microphones						
c. Other (specify)				$	$	$
Sub-total						
4. Television recording equipment						
a. Television tape recorder						
b. Audio Tape Recorders Cartridge Machines						
c. Other (specify)				$	$	$
Sub-total						
5. Microwave, boosters, translators, repeaters, etc. (not to be used to interconnect two or more stations)						

5 continues a. (Specify) b. Other (specify) Sub-total				$	$	$
6. Microwave, etc. (to be used to interconnect two or more stations) a. (Specify) b. Other (specify) Sub-total				$	$	$
7. Mobile equipment a. (Specify) b. Other (specify) Sub-total				$	$	$
8. Costs directly related to the planning, acquisition & installation of transmission apparatus in the project including the cost of engineering and legal services. a. Preparing required FCC data b. Other (specify) Sub-total				$	$	$
Grand Total				$	$	$

Bases for estimates:

Remarks:

This exhibit was completed by _____ on _____
(Name of Person) (Date)

Exhibit 5B - A brief description of any proposed Closed Circuit activities (including Instructional Television Fixed Services (ITFS), student training in production techniques, etc.) which may utilize project equipment, or through which equipment, not included in this project, may be available to benefit the broadcast operation. (See the discussion of Exhibit 5B, Chapter III E, of the Instructional Manual).

Exhibit 5C - A list of those estimated Non-Project Costs to be incurred by the applicant which are not eligible for inclusion in Exhibit 5A but which are necessary in connection with the project. If any necessary items will be available without cost to the applicant, explain briefly under remarks. (See Section 60.9(e)(2) of the Regulations).

NECESSARY NON-PROJECT COSTS

Item	Cost
1. Land and Land Development	$
2. Building and/or Building Renovation	
3. Office Equipment	
4. Other General Purpose Equipment	
5. Vehicle(s) for Mobile Unit(s)	
6. Other (specify)	
Total:	$

Remarks:

This exhibit was prepared by_____ on_____
(Name of Person) (Date)

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SECTION VI

FINANCIAL DATA AND ASSURANCES

Submit the following Exhibits: (See Regulations, Section 60.9 and Instructional Manual, Chapter IIIF).

Exhibit 6A - Sources of Funds for Construction which indicate applicant's ability to finance the non-Federal portion of the cost of the project as well as the non-project costs described in Exhibit 5C. This exhibit must include written verification to substantiate the availability of the amounts shown.

SOURCES OF FUNDS FOR CONSTRUCTION

Source	On Hand	Anticipated
Existing Capital (specify)	$	
State, County, Municipal Appropriations		
Grants (Other than Federal)		
Donations (including fair market value of gifts in kind) (clarify as necessary)		
Credit, Deferred Payments, etc.		
Other Sources (specify)		
Total:	$	$

Remarks:

This exhibit was prepared by _____ on _____
(Name of Person) (Date)

Exhibit 6B - Documented evidence or other certification that all non-Federal sources for financial support of this project have been taken into account, and that the amounts presented in Exhibit 6A, above, represent the Maximum Local Contribution available for this project through such sources. (See Section 60.9(f) of the Regulations and the discussion of Exhibit 6B, Chapter III F. of the Instructional Manual).

Remarks:

This exhibit was prepared by_____On_____

Exhibit 6C - Using the format below, submit an estimate of anticipated costs of operation during the first full year following completion of the project. (See the discussion of Exhibit 6C, Chapter III F of Instructional Manual).

ANTICIPATED FIRST YEAR OPERATING COSTS

Operational items	Amount
Administration	
1. Salaries and wages	$
2. Personal benefits	
3. Outside professional services	
4. Insurance	
5. Travel and conference	
6. Rent	
7. Utilities	
8. Maintenance	
9. General office supplies	
10. Telephone and telegraph	
11. Other (specify)	
Sub-total:	$

Operational Items	Amount
Programming	
1. Salaries and wages	$
2. Personnel benefits	
3. Production supplies (not including video tape stock)	
4. Recording Tape Stock	
5. Production services	
6. Program services (Network fees, film and tape rental, etc.)	
7. Equipment rental	
8. Travel and conference	
9. Other (specify)	
Sub-total:	$
Engineering	
1. Salaries and wages	$
2. Personnel benefits	
3. Outside professional services	
4. Insurance	
5. Travel and conference	
6. Equipment rental	
7. Equipment	

Operational items	Amount
Engineering--Continued	
8. Leased lines	
9. Engineering supplies	
10. Utilities	
11. Other (specify)	
Sub-total:	$
Grand total:	$

This exhibit was prepared by_____ on_____
(Name of person) (Date)

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Exhibit 6D - Using the format below, submit information relative to the applicant's ability to finance, from reasonably forseeable sources of funds, the costs of maintenance and operation of the facilities during the 12 months following completion of the project. This exhibit must include written verification to substantiate the availability of amounts shown. (See the discussion of Exhibit 6D, Chapter III F of Instructional Manual.)

SOURCES OF OPERATING FUNDS

Source	On hand	Anticipated	Total
State, County, Municipal Appropriations, Schools, Colleges or Universities, Foundations (specify)	$	$	$
Civic Groups (specify)			
Individual Donations			
Project Income (specify)			
Production Services and Contracts			
Tuition			
Sale of Study Guides			
Non-Broadcast Activities			
Other			
Other (specify)			
Total	$	$	$

Remarks:

This exhibit was prepared by _____ on _____
(Name of Person) (Date)

Exhibit 6E - Using the format below, submit a summary of financial information contained in this application.

COMPUTATION OF FEDERAL GRANT

1. Total value of project (Exhibit 5A) ---------- $

2. Less:
   a. Value of gifts-in-kind of transmission apparatus ---------- $
   b. Cash gifts earmarked for transmission apparatus[1] ---------- $
   c. Sub-total ---------- $

3. Out-of-Pocket costs (line 1 less line 2c) ---------- $

4. Local funds available for project costs (total of Exhibit 6A less total of Exhibit 5C) ---------- $

5. Remaining project costs (line 1 less line 4) ---------- $

6. 75% grant limitation (75% of line 1) ---------- $

7. Maximum grant entitlement (lesser of lines 3, 5, or 6) ----- $

8. Grant Requested ---------- $

9. Capital funds to be provided by applicant

   a. Remaining project costs (line 3 less line 6) --------- $

   b. Necessary non-project costs (Exhibit 5C) ---------- $

   TOTAL CAPITAL REQUIRED OF APPLICANT ---------- $

10. First year operating costs (Exhibit 6C) ---------- $

[1]This item includes only these cash gifts the use of which has been restricted by the donor.

Remarks:

This exhibit was completed by _____ on _____
(Name of Person) (Date)

SECTION VII

OTHER ASSURANCES

In addition to the eligibility, operational control, and financial assurances covered earlier in this application, the applicant, hereby, gives assurance to the Commissioner of Education that:

1. The transmission apparatus to be acquired and installed under this project will be used only for educational purposes and primarily for educational broadcasting.
2. Prior to acceptance for filing of this application by the Commissioner, the applicant will not own or be obligated to own any of the transmission apparatus to be acquired and installed under the project as listed in Exhibit 5A.
3. The transmission apparatus to be acquired and installed under this project will, upon completion of the project, be owned by the applicant.
4. This application is not filed for the purpose of impeding, obstructing, or delaying determination on any other application.

I,_____, the authorized signator for this application, hereby give the above mentioned assurances, and do certify that all facts, figures, and representations made in this application, including all exhibits and attachments hereto, which are hereby made a part of this application, are true and correct to the best of my knowledge and belief.

Dated_____

_____
(Legal name of applicant)

By_____
(Signature of authorized representative)

_____
(Representative's title)

_____
(Mailing address of representative)

CONDITIONS

(The applicant is hereby served notice that any grant award by the Commissioner will be subject to certain conditions which the grantee must fulfill at varying periods, some prior to the first payment, some during construction of the project, and some during the ten year period of Federal interest in the project.

These conditions are explained in detail in Section 60.17 of the Regulations.)

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE
OFFICE OF EDUCATION
WASHINGTON, D.C. 20202

PROGRAM BULLETIN -- Educational Broadcasting Facilities Program

PB #2 January 28, 1969

REGULATIONS AND PROCEDURAL FORMS

Regulations for the Educational Broadcasting Facilities Program (Title I, Public Broadcasting Act of 1967, Public Law 90-129) were approved and published in the Federal Register on January 28, 1969 (45 CFR 60).

Also approved are the Application Form for Federal Grant For Noncommercial Educational Broadcasting Facilities, OE Form No. 4152, the Instructional Manual and the Transmission Apparatus List.

Copies of the above materials are being distributed simultaneously with this Program Bulletin to addressees of the Bulletin, to pending ETV applicants and to persons having previously requested the materials. Interested persons or agencies not included in those listings should address a request to:

The Director,
Educational Broadcasting Facilities Program
U.S. Office of Education
Bureau of Adult, Vocational, and Library Programs
7th & D Streets, S.W., Room 5725
Washington, D.C. 20202

CONSULTANTS TO EDUCATIONAL BROADCASTING FACILITIES PROGRAM

On November 27, 1968, U.S. Commissioner of Education, Harold Howe II, appointed thirteen consultants to the Educational Broadcasting Facilities Program. They are:

Duff Browne, President, Communications Central

Edwin Cohen, Executive Director, National Instructional Television Center

Martha Gable, Editor for the American Association of School Administrators

Hyman Goldin, Professor in Communications, Boston University

William Harley, President, National Association of Educational Broadcasters

Harold McCarty, Emeritus Professor of Radio-Television Education, University of Wisconsin

Lyle Nelson, Executive Head, Department of Communications, Stanford University

Harold Niven, Vice President for Planning and Development, National Association of Broadcasters

Frank Norwood, Executive Secretary, Joint Council on Educational Telecommunications

Kenneth Oberholtzer, formerly, Superintendent of the Denver Public Schools

Robert Shayon, Professor of Communications, Annenberg School of Communications, University of Pennsylvania

John White, President, National Educational Television

Harold Wigren, Associate Director of the Division of Educational Technology, National Education Association

Principal functions of consultants will be to provide expert counsel to USOE on administration of Title I, Public Law 90-129, with respect to timely priorities, legislative requirements, and to assist in review of project proposals prior to determination of grant awards.

Consultants were convened as a panel on December 12 and 13 in Washington, D.C. Many recommendations made by consultants are incorporated in priorities and operational policy which are further described below.

PRIORITIES

As provided in Section 392 of the Act, basic priorities for projects will be prompt and effective use of all educational television channels remaining available, equitable geographical distribution of noncommercial educational television or radio broadcasting facilities throughout the States, and provision of noncommercial educational television or radio broadcasting facilities which will serve the greatest number of persons, and serve them in as many areas as possible, and which are adaptable to the broadest educational uses.

In consideration of limitations of funds currently available for grants, the Commissioner has established additional priority factors as described below, as provided in Regulations, Section 60.12.

Television Priorities

1. Highest priority will continue to be accorded projects proposing to activate new noncommercial educational television broadcast stations. To the extent consistent with qualified applications received, priority will be accorded States which have no ETV service or which have an ETV service available to less than 25% of the population of the State. Proposals to activate second or third channels in areas already served by an ETV station will have relatively low priority.

2. Second priority will be accorded proposals to expand facilities of existing ETV stations in ways which will better serve the population of proposed service areas through increase in station coverage, increase in hours of operation and/or improvement in program services.

   Examples of proposals in this category include transmitter and antenna improvements, necessary additions to film or videotape reproduction capabilities, and improvement of live local program production capability - in approximately that order.

   No distinction is made between monochrome or color capability in transmission apparatus for purposes of determining project priorities. It is recognized that in many locations, the achievement of color capability by ETV stations is highly desirable. However, in consideration of comparative costs and limitations on Federal funds currently available, applicants are urged to give full consideration to phasing of project components.

Radio Priorities

1. To the extent consistent with qualified applications submitted, highest priority will be accorded to proposals to establish new noncommercial educational radio stations which will provide comprehensive program services to substantial audiences which are not now served by such radio stations. Activation of radio stations in areas which are already served by one or more educational radio stations will have relatively low priority.

2. Second priority will be accorded to applications which propose to expand the transmission facilities of existing noncommercial educational radio stations which are presently providing a broadscale comprehensive program service, or which hold promise of demonstrating exemplary and innovative uses of radio programming services.

   Examples of projects in this category would include proposals to expand low-power stations to maximum power and maximum community service programming, proposals to serve important minority, professional or other special audiences through development of sub-carrier services (multiplexing), or proposals to integrate radio broadcast services with ETV services in ways in which the two media will serve to augment and supplement each other.

Potential radio applicants are reminded of the requirement that assurance must be provided "...that in the case of an application with respect to radio broadcasting facilities, there has been comprehensive planning for educational broadcasting facilities and services in the area the applicant proposes to serve and the applicant has participated in such planning, and the applicant will make the most efficient use of the frequency assignment (Section 392(a)(5) of the Act).

TEMPORARY RESERVATION OF FUNDS

In order to provide for equitable funding of projects within the priorities listed above, it has been determined that from the amount appropriated for fiscal year 1969, ($4,000,000), funds will be reserved as indicated below:

a) $400,000 will be initially reserved for funding approvable noncommercial educational radio projects. In the event that insufficient approvable radio applications are received, any balance of funds from this reserved amount will become available for ETV grant purposes;

b) of the balance of the appropriation ($3,600,000):

-65% ($2,340,000) will be initially reserved for grants in support of projects to activate new ETV channels, and

-35% ($1,260,000) will be initially reserved for grants in support of necessary projects to expand ETV stations.

MAXIMUM STATE LIMITATION

The maximum amount of Federal funds which may be awarded for grants under P.L. 90-129 in any one State in fiscal 1969 is $340,000 (8½% of the $4,000,000 appropriation). In determining project costs and priorities within States, both radio and television projects must be taken into consideration under this maximum.

CUT-OFF DATES

For Pending ETV Applications

Cut-off dates have been established for submission of applications or amendments in certain categories, as indicated below.

March 15 is the cut-off date for responses to EBFP from applicants having applications pending which were submitted under P.L. 87-447. (Such applicants are reminded that response in one of three categories, described in Program Bulletin No. 1, will be required of each applicant currently on file. Any application on which no response has been received by this cut-off date will be returned to the applicant.)

For New ETV and Radio Applications

April 15 is the cut-off date for filing new applications under P.L. 90-129 which request consideration for funding in fiscal year 1969. New applications for ETV or educational radio station projects which are received after this cut-off date may be "accepted for filing," but will be deferred in consideration for funding until the next fiscal year.

In the cases of both pending and new projects, applications which request consideration for funding in fiscal 1969 must be complete by the announced cut-off date. The limited time which will be available for staff review of application will not allow for exchange of correspondence soliciting missing information. Therefore, applications which are not complete by the cut-off date - for reasons such as missing exhibits, missing or inadequate assurances, or unresponsiveness to criteria - will be deferred or returned to the applicant, depending upon the extent of incompleteness.

Applicants who request deferral of consideration for funding until another fiscal year may also defer submittal of such assurances as would not be relevant until that year. (For example, a deferred applicant need not supply the assurance that matching or operating funds will be available until the future cut-off date for the year in which he requests consideration.)

For State Agency Recommendations

May 1 is the cut-off date for the submittal by State Educational Radio or Television Agencies of recommendations for priorities among competing applications from within a State. (Please note that this is a deadline for priority designations only. It is not intended to conflict with Section 60.10(b) of the Regulations, which allows 30 days after acceptance for filing for interested parties to "comment" on an individual application.)

GRANT AWARD DETERMINATIONS

In determining, from among applications requesting consideration for funding in fiscal 1969, which projects will be awarded grants from funds available in fiscal 1969, the Commissioner will take into consideration:

1) The completeness of an application, and its consistency with goals and criteria set forth in the Act and in Section 60.13 of the Regulations;

2) the counsel of expert consultants with respect to timely priorities as indicated above, and the relevancy of proposed projects to those priorities;

3) the relationship between amounts requested in Federal funds in an application and the State maximum limitation;

4) the readiness of the applicant to proceed with and complete the project promptly;

5) the recommendations of State Educational Television or Radio Broadcasting Agencies, where such recommendations will help to determine priorities among competing applications from within a State.

All applicants (pending and future) are urged to coordinate their planning for educational broadcasting facilities with the appropriate State agency, particularly within States where competing applications exceed the statutory per-State limitation. In this connection wherever possible applicants should inform State Radio and Television Agencies of their intentions prior to filing with DHEW, in order to allow for maximum possible in-State coordination.

BILLINGS--(202) 963-5194
AKERS--(202) 962-8038

U.S. DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE
OFFICE OF EDUCATION
Washington, D.C. 20202

FOR IMMEDIATE RELEASE:

The Educational Broadcasting Facilities Program of the U.S. Office of Education will receive continuous advice from a group of consultants appointed today by Commissioner Harold Howe II.

The 13 men and women appointed today, along with two to be announced later, will consult with program officials on administration of Title I of the Public Broadcasting Act of 1967--Public Law 90-129. Title I is an extension of the original Educational Television Facilities Act of 1962--Public Law 87-447.

Under the first five-year program, the Federal government made grants totalling $32,000,000 to help activate 91 public television stations and to assist in the expansion and improvement of 69 existing stations. Under the new legislation, educational radio stations will also be eligible for such grants.

Congress authorized $12,500,000 for the program in the current fiscal year, but appropriated only $4,375,000, of which $375,000 will be used for administration and $4,000,000 will be available for grants. The grants are made to public corporations, States and other political subdivisions, and to schools and colleges which have qualified for FCC licenses to operate stations.

(MORE)

Commissioner Howe said today that 73 television applications requesting $33,000,000 in Federal funds are already on file, but new ones will also receive consideration, along with educational radio projects.

The consultants will review newly established program regulations and make recommendations on priorities for facilities development. They are also expected to make planning recommendations for future requirements of the program.

The consultants appointed today are:

Duff Browne President, Communications Central, Atlanta Georgia and formerly Director of Television, Southern Regional Education Board.

Edwin G. Cohen Executive Director, National Instructional Television Center, Bloomington, Indiana.

Martha A. Gable, Editor, American Association of School Administrators, formerly Director of the Division of Radio-Television Education for the Philadelphia Public Schools, Washington, D.C.

Hyman H. Goldin Professor in Communications, Boston University. Was Executive Director on the Carnegie Commission study on educational television and formerly with the FCC.

William G. Harley President, National Association of Educational Broadcasters. Washington, D.C.

Harold B. McCarty, Pioneer broadcasters at radio station WHA at the University of Wisconsin where he established "School of the Air" in 1931. Madison, Wisconsin.

Harold Niven, Vice President for Planning and Development, National Association of Broadcasters. Washington, D.C.

Frank W. Norwood Executive Secretary, Joint Council on Educational Telecommunications, Washington, D.C.

(MORE)

Lyle M. Nelson, Executive Head, Department of Communications, Stanford University, California.

Dr. Kenneth Edison Oberholtzer, former Superintendent Denver Public Schools, Denver Colorado.

Robert L. Shayon, Professor of Communications, Annenberg School of Communications, University of Pennsylvania. Philadelphia, Pennsylvania.

John F. White, President, National Educational Television New York, N.Y.

Harold E. Wigren, Associate Director of the Division of Educational Technology, National Education Association. Washington, D.C.

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WORKING PAPER
Prepared for NAEB Convention, 1968

Educational Broadcasting Facilities Program

A Comparison

Educational Television Facilities Act of 1962 -- P.L. 87-447.	Educational Broadcasting Facilities Program -- Title I, P.L. 90-129.
$32 million authorized over 5-years, 1962-1967.	$38 million authorized to fund applications received prior to July 1, 1971: FY 68: Authorized $10,500,000; Appropriated none FY 69: Authorized 12,500,000; Appropriated $4,375,000 FY 70: Authorized 15,000,000
Only ETV broadcast stations eligible.	Noncommercial educational radio stations added as eligible for equipment grants.
Interconnection limited to 15% of grant.	No limitation on interconnection.
Federal grants available at 50% matching plus 25% credit based on owned equipment, to maximum of 75%.	Credit provision eliminated. Maximum Federal share is 75% but see language in House Report 572, excerpt attached.
Act provides for "State ETV Agency" as an eligible applicant, and for notification and advisory functions.	Act makes similar provision for a "State Educational Radio Agency."
Statutory limit: $1,000,000 per State over 5-year period.	New statutory limit is 8⅓% of annual appropriation for facilities grants -- FY 68: Appropriated none; Statutory limit --- FY 69: Appropriated $4,000,000; Statutory limit $340,000 FY 70
Section 392(d) (1) makes "prompt and effective use of all ETV Channels remaining available" a dominant criterion.	Language of Act not changed -- does not apply to radio applicants.
Eligibility confined to ETV Channels reserved for education in FCC allocations; non-reserved channels operating prior to 5/1/62 grandfathered in.	Act does not require that radio channels be similarly reserved; although "educational band" exists on FCC allocations, provisions are not parallel to ETV allocations.
4 categories of applicants were eligible: school districts, public universities, State agencies, nonprofit associations.	Act adds 5th category: A municipality which owns and operates a noncommercial broadcasting facility.
Criteria stressed need for broadcast stations (CCTV & ITFS are not eligible) to meet full range of community needs for educational and cultural broadcast program services.	Many educational radio stations are low-power, offering limited range of program services. Act contains special "assurance" for radio applicants with respect to "comprehensive planning for facilities & services," & for "most efficient use of frequency assignment."

Union Calendar No. 222

90TH CONGRESS } HOUSE OF REPRESENTATIVES { REPORT
1st Session } { No. 572

PUBLIC BROADCASTING ACT OF 1967

AUGUST 21, 1967.—Committed to the Committee of the Whole House on the State of the Union and ordered to be printed

EXCERPT
pp 13-14

pro[illegible] there 12 States.

3. Formula for matching funds

The facility grants may not exceed 75 percent of the amount determined by HEW to be the reasonable and necessary cost of the project. This provision replaces the original restriction limiting the Federal share to 50 percent of the cost of the project plus 25 percent of the cost of facilities owned by the applicant on the date of application.

[illegible] of the Public [illegible] television stations [illegible] under construction.

The committee was told that the total non-Federal funds required to activate a station is beyond the financial capacity of many small communities—especially communities in areas which would fill in gaps in the existing national coverage by noncommercial broadcasting stations.

In addition, black and white equipment costs have risen, it is no longer possible for stations to obtain used equipment, and color equipment, considered essential for educational purposes, costs substantially more than black and white.

Moreover, the activation of stations requires heavy capital outlays for land, transmitter buildings and studios which are not eligible for support under the present program or this bill. In many instances these expenditures are greater than the matching share of eligible equipment.

[illegible]

For these reasons, the committee felt that a Federal share of 75 percent of the eligible costs more realistically meets the future requirements than the current formula. Considering the ineligible costs, grants even at the maximum Federal share of 75 percent will generally (except in the case of small stations) amount to no more than 50 percent of the total costs. The committee intends that HEW will not arbitrarily provide grants in the full amount of 75 percent to each applicant. Instead, the committee intends that HEW will closely scrutinize all applications with a view toward approving only the minimum percentage of total cost after taking into account the maximum contribution available from other sources. In this way, the widest geographical coverage and the maximum utilization of available funds may be obtained.

(emphasis added)

4. Interconnection facilities

[illegible] [illegible]

SECTION 104—FEDERAL SHARE

p. 26

Under existing law, the Federal share of the cost of any project is determined by the Secretary but it may not exceed 50 percent of the cost of the project plus 25 percent of the amount the Secretary determines to be the reasonable and necessary cost of any educational television broadcasting facilities owned by the applicant on the date on which it submits an application with respect to a project, with an overall ceiling of 75 percent of the cost of the project. The present law also provides that not more than 15 percent of any grant may be used for the acquisition and installation of microwave equipment, boosters, translators, and repeaters which are to be used to connect two or more broadcasting stations.

Section 104 would amend these provisions to establish a simple 75 percent ceiling on the amount of any Federal grant with respect to any project. In this connection, the committee wishes to make it clear that it is its intention that Federal grants under this program in the maximum amount of 75 percent should be the exception rather than the rule.

(emphasis added)

THE PUBLIC BROADCASTING ACT

Part IV of Title III of the Communications Act of 1934,
as amended

See Educational Television Facilities Act of 1962
(P.L. 87-447) and Titles I and II of the Public
Broadcasting Act of 1967 (P.L. 90-129)

PART IV - GRANTS FOR NONCOMMERCIAL EDUCATIONAL BROADCASTING FACILITIES; CORPORATION FOR PUBLIC BROADCASTING

SUBPART A - GRANTS FOR FACILITIES

DECLARATION OF PURPOSE

SEC. 390. The purpose of this subpart is to assist (through matching grants) in the construction of noncommercial educational television or radio broadcasting facilities.

AUTHORIZATION OF APPROPRIATIONS

SEC. 391. There are authorized to be appropriated for the fiscal year ending June 30, 1963, and each of the four succeeding fiscal years such sums, not exceeding $32,000,000 in the aggregate, as may be necessary to carry out the purposes of section 390. There are also authorized to be appropriated for carrying out the purposes of such section, $10,500,000 for the fiscal year ending June 30, 1968, $12,500,000 for the fiscal year ending June 30, 1969, and $15,000,000 for the fiscal year ending June 30, 1970. Sums appropriated pursuant to this section shall remain available for payment of grants for projects for which applications, approved under section 392, have been submitted under such section prior to July 1, 1971.

GRANTS FOR CONSTRUCTION

SEC. 392. (a) For each project for the construction of noncommercial educational television or radio broadcasting facilities there shall be submitted to the Secretary an application for a grant containing such information with respect to such project as the Secretary may by regulation require, including the total cost of such project and the amount of the Federal grant requested for such project, and providing assurance satisfactory to the Secretary -

(1) that the applicant is (A) an agency or officer responsible for the supervision of public elementary or secondary education or public higher education within that State, or within a political subdivision thereof,

(B) in the case of a project for television facilities, the State noncommercial educational television agency or, in the case of a project for radio facilities, the State educational radio agency, (C) a college or university deriving its support in whole or in part from tax revenues, (D) (i) in the case of a project for television facilities, a nonprofit foundation, corporation, or association which is organized primarily to engage in or encourage noncommercial educational television broadcasting and is eligible to receive a license from the Federal Communications Commission for a noncommercial educational television broadcasting station pursuant to the rules and regulations of the Commission in effect on April 12, 1962, or (ii) in the case of a project for radio facilities, a nonprofit foundation, corporation, or association which is organized primarily to engage in or encourage noncommercial educational radio broadcasting and is eligible to receive a license from the Federal Communications Commission; or meets the requirements of clause (i) and is also organized to engage in or encourage such radio broadcasting and is eligible for such a license for such a radio station, or (E) a municipality which owns and operates a broadcasting facility transmitting only noncommercial programs;

(2) that the operation of such educational broadcasting facilities will be under the control of the applicant or a person qualified under paragraph (1) to be such an applicant;

(3) that necessary funds to construct, operate, and maintain such educational broadcasting facilities will be available when needed;

(4) that such broadcasting facilities will be used only for educational purposes; and

(5) that, in the case of an application with respect to radio broadcasting facilities, there has been comprehensive planning for educational broadcasting facilities and services in the area the applicant proposes to serve and the applicant has participated in such planning, and the applicant will make the most efficient use of the frequency assignment.

(b) The total of the grants made under this part from the appropriation for any fiscal year for the construction of noncommercial educational television broadcasting facilities and noncommercial educational radio broadcasting facilities in any State may not exceed 8½ per centum of such appropriation.

(c) (1) In order to assure proper coordination of construction of noncommercial educational television broadcasting facilities within each State which has established a State educational television agency, each applicant for a grant under this section for a project for construction of such facilities in such State, other than such agency, shall notify such agency of each application for such a grant which is submitted by it to the Secretary, and the Secretary shall advise such agency with respect to the disposition of each such application.

(2) In order to assure proper coordination of construction of noncommercial educational radio broadcasting facilities within each State which has established a State educational radio agency, each applicant for a grant under this section for a project for construction of such facilities in such State, other than such agency, shall notify

such agency of each application for such a grant which is submitted by it to the Secretary, and the Secretary shall advise such agency with respect to the disposition of each such application.

(d) The Secretary shall base his determinations of whether to approve applications for grants under this section and the amount of such grants on criteria set forth in regulations and designed to achieve -

(1) prompt and effective use of all educational television channels remaining available,

(2) equitable geographical distribution of noncommercial educational television broadcasting facilities or noncommercial educational radio broadcasting facilities, as the case may be, throughout the States, and

(3) provision of noncommercial educational television broadcasting facilities or noncommercial educational radio broadcasting facilities, as the case may be, which will serve the greatest number of persons and serve them in as many areas as possible, and which are adaptable to the broadest educational uses.

(e) Upon approving any application under this section with respect to any project, the Secretary shall make a grant to the applicant in the amount determined by him, but not exceeding 75 per centum of the amount determined by the Secretary to be the reasonable and necessary cost of such project. The Secretary shall pay such amount from the sum available therefor, in advance or by way of reimbursement, and in such installments consistent with construction progress, as he may determine.

(f) If, within ten years after completion of any project for construction of educational television or radio broadcasting facilities with respect to which a grant has been made under this section -

(1) the applicant or other owner of such facilities ceases to be an agency, officer, institution, foundation, corporation, or association described in subsection (a)(1), or

(2) such facilities cease to be used for noncommercial educational television purposes or noncommercial educational radio purposes, as the case may be (unless the Secretary determines, in accordance with regulations, that there is good cause for releasing the applicant or other owner from the obligation so to do),

the United States shall be entitled to recover from the applicant or other owner of such facilities the amount bearing the same ratio to the then value (as determined by agreement of the parties or by action brought in the United States district court for the district in which such facilities are situated) of such facilities, as the amount of the Federal participation bore to the cost of construction of such facilities.

RECORDS

SEC. 393. (a) Each recipient of assistance under this subpart shall keep such records as may be reasonably necessary to enable the Secretary to carry out his functions under this subpart, including records which fully disclose the amount and the disposition by such recipient of the proceeds of such assistance, the total cost of the project or undertaking in connection with which such assistance is given or used, and the amount and nature of that portion of the cost of the project or undertaking supplied by other sources, and such other records as will facilitate an effective audit.

(b) The Secretary and the Comptroller General of the United States, or any of their duly authorized representatives, shall have access for the purpose of audit and examination to any books, documents, papers, and records of the recipient that are pertinent to assistance received under this subpart.

RULES AND REGULATIONS

SEC. 394. The Secretary is authorized to make such rules and regulations as may be necessary to carry out this subpart, including regulations relating to the order of priority in approving applications for projects under section 392 or to determining the amounts of grants for such projects.

PROVISION OF ASSISTANCE BY FEDERAL COMMUNICATIONS COMMISSION

SEC. 395. The Federal Communications Commission is authorized to provide such assistance in carrying out the provisions of this subpart as may be requested by the Secretary. The Secretary shall provide for consultation and close cooperation with the Federal Communications Commission in the administration of his functions under this subpart which are of interest to or affect the functions of the Commission.

(SECTION 396, WHICH ESTABLISHES AND AUTHORIZES FUNDING FOR THE CORPORATION FOR PUBLIC BROADCASTING, IS OMITTED FOR THE PURPOSES OF THIS WORKSHEET)

SUBPART C - GENERAL

DEFINITIONS

SEC. 397. For the purposes of this part -

(1) The term "State" includes the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, American Samoa, and the Trust Territory of the Pacific Islands.

(2) The term "construction", as applied to educational television broadcasting facilities or educational radio broadcasting facilities, means the acquisition and installation of transmission apparatus (including towers, microwave equipment, boosters, translators, repeaters, mobile equipment, and video-recording equipment) necessary for television broadcasting, or radio broadcasting, as the case may be, including apparatus which may incidentally be used for transmitting closed circuit television programs, but does not include the construction or repair of structures to house such apparatus. In the case of apparatus the acquisition and installation of which is so included, such term also includes planning therefor.

(3) The term "Secretary" means the Secretary of Health, Education, and Welfare.

(4) The terms "State educational television agency" and "State educational radio agency" mean, with respect to television broadcasting and radio broadcasting respectively, (A) a board or commission established by State law for the purpose of promoting such broadcasting within a State, (B) a board or commission appointed by the Governor of a State for such purpose if such appointment is not inconsistent with State law, or (C) a State officer or agency responsible for the supervision of public elementary or secondary education or public higher education within the State which has been designated by the Governor to assume responsibility for the promotion of such broadcasting, and, in the case of the District of Columbia, the term "Governor" means the Board of Commissioners of the District of Columbia and, in the case of the Trust Territory of the Pacific Islands, means the High Commissioner thereof.

(5) The term "nonprofit" as applied to any foundation, corporation, or association, means a foundation, corporation, or association, no part of the net earnings of which inures, or may lawfully inure, to the benefit of any private shareholder or individual.

(6) The term "Corporation" means the Corporation authorized to be established by subpart B of this part.

(7) The term "noncommercial educational broadcast station" means a television or radio broadcast station, which (A) under the rules and regulations of the Federal Communications Commission in effect on the date of enactment of the Public Broadcasting Act of 1967, is eligible to be licensed or is licensed by the Commission as a noncommercial educational radio or television broadcast station and which is owned and operated by a public agency or nonprofit private foundation, corporation, or association or (B) is owned and operated by a municipality and which transmits only noncommercial programs for educational purposes.

(8) The term "interconnection" means the use of microwave equipment, boosters, translators, repeaters, communication space satellites, or other apparatus or equipment for the transmission and distribution of television or radio programs to noncommercial educational television or radio broadcast stations.

(9) The term "educational television or radio programs" means programs which are primarily designed for educational or cultural purposes.

FEDERAL INTERFERENCE OR CONTROL PROHIBITED

SEC. 398. Nothing contained in this part shall be deemed (1) to amend any other provision of, or requirement under this Act; or (2) to authorize any department, agency, officer, or employee of the United States to exercise any direction, supervision, or control over educational television or radio broadcasting, or over the Corporation or any of its grantees or contractors, or over the charter or bylaws of the Corporation, or over the curriculum, program of instruction, or personnel of any educational institution, school system, or educational broadcasting station or system.

EDITORIALIZING AND SUPPORT OF POLITICAL CANDIDATES PROHIBITED

SEC. 399. No noncommercial educational broadcasting station may engage in editorializing or may support or oppose any candidate for political office.

Scanned from the National Association of Educational Broadcasters Records
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"Unlocking the Airwaves: Revitalizing an Early Public and Educational Radio Collection."

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